S. HRG. 100-313, PT. 2

MISCELLANEOUS PARKS AND PUBLIC LANDS MEASURES

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

H.R. 2530	H.R. 4315
H.R. 2952	S. 1290
H.R. 3559	S. 2565
H.R. 4050	S. 2586
H.R. 4212	

AUGUST 2, 1988

PART 2

Printed for the use of the
Committee on Energy and Natural Resources

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S311-6.

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MISCELLANEOUS PARKS AND PUBLIC LANDS MEASURES

TUESDAY, AUGUST 2, 1988

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:33 a.m., in room SD-366, Dirksen Senate Office Building, Hon. Wendell H. Ford, presiding.

OPENING STATEMENT OF HON. WENDELL H. FORD, U.S. SENATOR FROM KENTUCKY

Senator FORD. I'm going to go ahead and start the hearing this morning. I'm going to make a brief opening statement, and then, Bruce, if you want to come up to the table, and if Dave arrives—we have his statement here.

The purpose of the hearing today is to receive testimony on nine measures currently pending before the Subcommittee on Public Lands, National Parks and Forests. The nine measures are: H.R. 2530, a bill to provide for the establishment of the Mississippi National River and Recreational Area, and for other purposes. And I will just read the bills without elaborating on them: H.R. 2952, 3559, 4050, 4212, 4315, Senate Bill 1290, Senate Bill 2565, and Senate Bill 2586.

At this time I will place copies of these measures in the hearing record.

[The texts of the bills follow:]

100TH CONGRESS
1ST SESSION

H. R. 2530

IN THE SENATE OF THE UNITED STATES

OCTOBER 2 (legislative day, SEPTEMBER 25), 1987
Received; read twice and referred to the Committee on Energy and Natural Resources

---

AN ACT

To provide for the establishment of the Mississippi National River and Recreation Area, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1) The Mississippi River Corridor within the St. Paul-Minneapolis Metropolitan Area represents a nationally significant historical, recreational, scenic, cultural, natural, and scientific resource.

(2) There is a national interest in the preservation, protection and enhancement of these resources for the benefit of the people of the United States.

(3) State and local planning efforts along the River Corridor provide a unique foundation for coordinating Federal, State, and local planning and management processes.

(4) Existing Federal agency programs lack sufficient coordination with State and local planning and regulatory authorities to provide for adequate and comprehensive resource management and economic development consistent with the protection of the Mississippi River Corridor's nationally significant resources, and the public use and enjoyment of the area.

(5) The preservation, enhancement, enjoyment, and utilization of the nationally significant resources of the Mississippi River Corridor can be accomplished by a cooperative Federal, State, and local comprehensive planning and management effort.

(b) PURPOSES.—The purposes of this Act are:

(1) To protect, preserve and enhance the significant values of the waters and land of the Mississippi River Corridor within the St. Paul-Minneapolis Metropolitan Area.

(2) To encourage adequate coordination of all governmental programs affecting the land and water resources of the Mississippi River Corridor.

(3) To provide a management framework to assist the State of Minnesota and its units of local government in the development and implementation of integrated resource management programs for the Mississippi River Corridor in order to assure orderly public and private development in the area consistent with the findings of this Act.

SEC. 2. ESTABLISHMENT OF NATIONAL RIVER AND RECREATION AREA.

(a) ESTABLISHMENT.—There is hereby established the Mississippi National River and Recreation Area (hereinafter in this Act referred to as the "Area") which shall consist of that portion of the Mississippi River and adjacent lands generally within the St. Paul-Minneapolis Metropolitan Area, as depicted on the map entitled Mississippi National River and Recreation Area numbered MI–NRA/80,000 and dated April 1987. The map shall be on file and available for public inspection in the offices of the Department of the Interior in Washington, District of Columbia, and in the offices of the Metropolitan Council of the Twin Cities Area in St. Paul, Minnesota.

(b) BOUNDARIES.—The Secretary of the Interior (hereafter referred to as the "Secretary") shall publish in the Federal Register, as soon as practicable after the date of enact-

ment of this Act a detailed description and map of the boundaries established under subsection (a).

SEC. 3. MISSISSIPPI RIVER COORDINATING COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a Mississippi River Coordinating Commission whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of an integrated resource management plan for those lands and waters as specified in section 2. The Commission shall consist of the following 20 members appointed by the Secretary of the Interior:

(1) The Director of the National Park Service, or his designee.

(2) The Chief of the Corps of Engineers, or his designee.

(3) The Director of the Fish and Wildlife Service, or his designee.

(4) Three individuals, nominated by the Governor of Minnesota, to represent the interests of the State of Minnesota.

(5) One individual, to represent the Minnesota Historical Society.

(6) One individual, to represent the Metropolitan Council of the Twin Cities Area.

(7) Four individuals, to represent the cities of St. Paul and Minneapolis.

(8) Two individuals, nominated by the Governor of Minnesota, to represent the interests of the other affected municipalities and counties.

(9) One individual, to represent the Metropolitan Parks and Open Spaces Commission.

(10) One individual, nominated by the Governor of Minnesota, to represent the interests of commercial navigation.

(11) Four individuals, nominated by the Governor of Minnesota, to be chosen from the general public.

(b) TERMS.—(1) Except as provided in paragraphs (2) and (3), members (other than ex officio members) shall be appointed for terms of three years.

(2) Of the members first appointed—

(A) Under paragraph (4) of subsection (a):

(i) One shall be appointed for a term of one year.

(ii) One shall be appointed for a term of two years.

(B) Under paragraphs (7) and (8) of subsection (a), one shall be appointed for a term of one year.

(C) Under paragraph (11) of subsection (a):

(i) One shall be appointed for a term of one year.

(ii) One shall be appointed for a term of two years.

(iii) One shall be appointed for a term of four years.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(c) COMPENSATION.—Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(d) CHAIRPERSON.—The Chairperson of the Commission shall be appointed by the Secretary from among the members of the Commission nominated by the Governor of Minnesota to serve for a term of three years.

(e) QUORUM.—Eleven members of the Commission shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

(g) DEVELOPMENT OF POLICIES AND PROGRAMS.—As a coordinator and advisory organization, the Commission shall assist the Secretary, the State of Minnesota and local units of government, utilizing existing Federal, State, regional, and local plans and programs, in developing the following:

(1) Policies and programs for the preservation and enhancement of the environmental values of the Area.

(2) Policies and programs for enhanced public outdoor recreation opportunities in the Area.

(3) Policies and programs for the conservation and protection of the scenic, historical, cultural, natural and scientific values of the Area.

(4) Policies and programs for the commercial utilization of the Area and its related natural resources, consistent with the protection of the values for which the Area is established as the Mississippi National River and Recreation Area.

(h) STAFF.—The Secretary shall provide the Commission with such staff and technical assistance as the Secretary, after consultation with the Commission, considers appropriate to enable the Commission to carry out its duties. Upon request of the Secretary, any Federal agency may provide information, personnel, property, and services on a reimbursable basis, to the Commission to assist in carrying out its duties under this Act. The Secretary may accept the services

of personnel detailed from the State of Minnesota or any political subdivision of the State and may reimburse the State or such political subdivision for such services. The Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(i) PLAN.—Within three years after enactment of this Act, the Commission shall submit to the Secretary and the Governor of Minnesota a comprehensive plan for land and water use measures for the area to be developed and implemented by the responsible Federal agencies, the State of Minnesota, and local political subdivisions. The plan shall utilize existing Federal, State, regional, and local plans and shall coordinate those plans to present a unified comprehensive plan for the Area. The plan shall include but not be limited to each of the following:

(1) A program for management of existing and future land and water use which—

(A) considers and details the application of a variety of land and water protection and management techniques;

(B) includes a policy statement for the use of Federal, State, and local regulatory responsibilities to manage land and water resources in a manner consistent with the purposes of this Act; and

(C) recognizes existing economic activities within the area and provides for the management of such activities, including barge transportation and fleeting and those indigenous industries and commercial and residential developments which are consistent with the findings and purposes of this Act.

(2) A program providing for coordinated implementation and administration of the plan with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, regional and local levels, including each of the following:

(A) Ways in which local, regional, State, and Federal policies and permits may better be coordinated to the goals and policies of this Act.

(B) A financial plan to provide and support the public improvements and services recommended in the plan; and a mechanism for coordinating local, regional, State, and Federal planning to promote the purposes of this Act.

(C) How the goals and policies of the management plan will be compatible with the existing channel maintenance program on the Mississippi River, and the existing Federal, State, regional,

and local programs and goals on the Minnesota and St. Croix Rivers.

(D) The provisions of the Clean Water Act and the Safe Drinking Water Act (title XIV of the Public Health Service Act) which pertain to the surface waters of the Mississippi National River and Recreation Area.

(3) A coordination and consistency component which details the ways in which local, State and Federal programs and policies may best be coordinated to promote the purposes of this Act.

(4) A program for the coordination and consolidation, to the extent feasible, of permits that may be required by Federal, State, and local agencies having jurisdiction over land and waters within the Area.

(j) DEVELOPMENT OF PLAN.—

(1) In developing the plan the Commission shall consult on a regular basis with appropriate officials of any local government or Federal or State agency which has jurisdiction over lands and waters within the Area.

(2) In developing the plan the Commission shall consult with interested conservation, business, professional and citizen organizations.

(3) In developing the plan the Commission shall conduct public hearings within the Area, and at such other places as may be appropriate, for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the plan.

(k) APPROVAL OF PLAN.—The Commission shall submit the plan to the Secretary and the Governor of Minnesota for their review. The Governor shall act on the plan within ninety days and shall submit the plan to the Secretary along with any recommendations. The Secretary shall approve or disapprove the plan within ninety days. In reviewing the plan the Secretary shall consider each of the following:

(1) The adequacy of public participation.

(2) Assurances of plan implementation from State and local officials.

(3) The adequacy of regulatory and financial tools that are in place to implement the plan.

(4) Plan provisions for continuing oversight of the plan implementation by the Secretary and the Governor of Minnesota.

If the Secretary disapproves the plan, he shall, within sixty days after the date of such disapproval advise the Governor and Commission in writing of the reasons therefor, together

with his recommendations for revision. The Commission shall within ninety days of receipt of such notice of disapproval revise and resubmit the revised plan to the Governor for his review. Following his review, the Governor shall submit the revised plan, together with any recommendations he may have, to the Secretary who shall approve or disapprove the revision within sixty days.

(l) INTERIM PROGRAM.—Prior to the adoption of the Commission's plan, the Secretary shall monitor all land and water use activities within the Area to ensure that said activities are in keeping with the purposes of this Act, and shall consult and cooperate with the State of Minnesota and its political subdivisions to minimize adverse impacts on the values for which the Area is established.

(m) COMMISSION REVIEW.—The Commission shall assist the Secretary and the Governor of Minnesota in reviewing and monitoring the implementation of the plan by Federal, State, and local governmental agencies having jurisdiction in the Area. The Commission may, after providing, for public comment and subject to the review and approval, as set forth in subsection (k), modify said plan, if the Commission determines that such modification is necessary to further the purposes of this Act.

(n) TERMINATION OF COMMISSION.—The Commission shall terminate on the date ten years after the enactment of

this Act. Following termination of the Commission the State is authorized to establish a State Commission which shall exercise the functions and authorities described in subsection (m). The Secretary is authorized and directed to participate as a member of such State Commission.

SEC. 4. FEDERAL LANDS AND DEVELOPMENTS.

(a) LANDS.—Notwithstanding any other provision of law, any Federal property located within the boundaries of the Area as identified on the map referred to in section 2, is hereby transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this Act, except as follows:

(1) Facilities and lands administered by the Secretary of the Army through the Corps of Engineers for navigational purposes may continue to be used by the Secretary of the Army subject to the provisions of subsection (b).

(2) Federal property on which there is located any building or other structure which is in use (as of the enactment of this Act) shall not be transferred under this subsection without the concurrence of the administering agency.

(b) FEDERAL AGENCY ACTIVITIES.—

(1) IN GENERAL.—Before any department, agency, or instrumentality of the United States issues

or approves any license or permit for any facility or undertaking within the Area and before any such department, agency or instrumentality commences any undertaking or provides any Federal assistance to the State or any local governmental jurisdiction for any undertaking within the Area, the department, agency, or instrumentality shall notify the Secretary. The Secretary shall review the proposed facility or undertaking to assess its compatibility with the plan approved under section 3. The Secretary shall make a determination with respect to the compatibility or incompatibility of a proposed facility or undertaking within sixty days of receiving notice under this subsection. Unless the Secretary determines that the proposed facility or undertaking is compatible with the plan, or that such proposed facility or undertaking is essential for the protection of public health or safety or is necessary for national security or defense, no license or permit may be issued by a department, agency, or instrumentality of the United States for the facility or undertaking and no such department, agency, or instrumentality may commence the undertaking or provide Federal assistance for such undertaking.

(2) WATER RESOURCES DEVELOPMENTS.—The authority of the Secretary of the Army, through the

Corps of Engineers, to undertake or contribute to water resources developments, including shore erosion control and navigation improvements on lands and waters within the Area shall be exercised in accordance with plans that are mutually acceptable to the Secretary and the Secretary of the Army. Such authority shall be exercised in a manner consistent with the purposes of this Act and the purposes of existing statutes dealing with water and related resources development.

SEC. 5. ADMINISTRATION.

(a) AUTHORITIES.—The Secretary shall administer the Area in accordance with this Act. Those lands within the area under the jurisdiction of the Secretary shall be administered in accordance with the provisions of law generally applicable to units of the National Park System. Other lands and waters within the area shall be administered under State and local laws. In the case of any conflict between the provisions of this Act and such generally applicable provisions of law, the provisions of this Act shall govern.

(b) STATE AND LOCAL AUTHORITIES.—The Secretary shall consult and cooperate with the State of Minnesota and its political subdivisions concerning the development and management of Federal lands within the Area.

(c) LAND ACQUISITION.—Within the boundaries of the Area, the Secretary is authorized, in consultation with the State of Minnesota and the affected local governmental unit, to acquire land and interests therein by donation, purchase with donated or appropriated funds, exchange or transfer, except as provided in paragraphs (1) and (2).

(1) Any lands or interests therein owned by the State of Minnesota or any political subdivision thereof may be acquired only by donation.

(2) Privately owned lands or interests therein may be acquired only with the consent of the owner thereof unless the Secretary makes a determination pursuant to subsection (d)(2).

(d) REVIEW OF LOCAL PLANS.—

(1) AUTHORITY.—For the purpose of protecting the integrity of the Area the Secretary shall review all relevant local plans, laws and ordinances to determine whether they substantially conform to the plan approved pursuant to section 3. Additionally the Secretary shall determine the adequacy of enforcement of such plans, laws, and ordinances, including review of building permits and zoning variances granted by local governments, and amendments to local laws and ordinances. The Secretary may contract with the State or its political subdivisions to provide, on behalf of the

Secretary, professional services necessary for the review of such local plans, laws, and ordinances, and of amendments thereto and variances therefrom, and for the monitoring or the enforcement thereof by local governments having jurisdiction over any areas to which the management plan applies.

(2) PURPOSE.—The purpose of review under paragraph (1) shall be to determine the degree to which actions by local governments are compatible with the purposes of this Act. Following the approval of the plan under section 3 and after a reasonable period of time has elapsed, upon a finding by the Secretary that such plans, laws and ordinances are nonexistent, are otherwise not in conformance with the plan or are not being enforced in such manner as will carry out the purposes of this Act (as determined by the Secretary), and if the Secretary determines that there is no feasible alternative available to prevent uses which would be substantially incompatible with the plan, the Secretary may exercise the authority available to him under the provisions of paragraph (3).

(3) ACQUISITION.—In those sections of the Area where local plans, laws and ordinances, or amendments thereto or variances therefrom are found by the Secretary not to be in conformance with the plan approved

pursuant to section 3, or are not being enforced in such manner as will carry out the purposes of this Act (as determined by the Secretary), the Secretary shall notify the local government authority concerned. Unless, within sixty days after the date of such notice, the plan, law, or ordinance, amendment, or variance is modified to conform with the plan or enforced in such manner as will carry out the purposes of this Act (as determined by the Secretary), the Secretary may acquire land or interests in land without the consent of the owner thereof. Land and interests in land acquired pursuant to this subsection shall be restricted to the geographical area of the local governmental unit failing to conform with the plan and shall be limited to those lands clearly and directly required, in the judgment of the Secretary, for the protection of the Area in a manner compatible with the plan.

(e) USE AND OCCUPANCY OF ACQUIRED IMPROVED PROPERTY.—(1) The Secretary may permit the owner or owners of any improved residential property acquired by the Secretary under this Act to retain a right of use and occupancy of the property for noncommercial residential uses not incompatible with the plan approved under section 3. Except as provided in this subsection, such rights shall before a definite term ending not more than twenty-five years from the

date of acquisition or a term ending at the death of the owner. The owner shall elect the term to be reserved, except that if the owner is a corporation, trust, partnership or any entity other than an individual, the term shall not exceed twenty-five years. Unless the property is wholly or partially donated, the Secretary shall pay to the owner reserving a right of use and occupancy under this section the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner.

(2) The Secretary may terminate at any time a right retained pursuant to this subsection if it is being exercised in a manner incompatible with the plan approved pursuant to section 3.

(3) As used in this subsection, the term "improved residential property" means a single-family dwelling, the construction of which began before January 1, 1987, together with such land on which the dwelling and appurtenant buildings are located as is in the same ownership as such dwelling and as the Secretary designates is reasonably necessary for the owner's continued use and occupancy of the dwelling.

SEC. 6. STATE AND LOCAL ASSISTANCE AND JURISDICTION.

(a) GRANTS.—Upon approval of the plan under section 3, the Secretary is authorized and directed to make grants to the State of Minnesota, or its political subdivisions, to cover

not more than fifty percent of the costs of acquisition and development within the Area of lands and waters or interests therein in a manner consistent with the purposes of this Act.

(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized and directed to enter into cooperative agreements with the State of Minnesota or any political subdivision thereof pursuant to which he may assist in the planning for and interpretation of non-Federal publicly owned lands within the Area.

(c) TECHNICAL ASSISTANCE.—To enable the State of Minnesota and its political subdivisions to develop and implement programs compatible with the plan, the Secretary shall provide such technical assistance to the State and its political subdivisions as he deems appropriate.

(d) STATE AND LOCAL JURISDICTION.—Nothing in this Act shall diminish, enlarge, or modify any right of the State of Minnesota or any political subdivision thereof, to exercise civil and criminal jurisdiction within the Area, or to tax persons, corporations, franchises, or private property on the lands and waters included in the Area.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

TITLE II—TRI-RIVERS MANAGEMENT

SEC. 201. TRI-RIVERS MANAGEMENT BOARD.

(a) FEDERAL REPRESENTATIVES.—In furtherance of the integrated management of those portions of the Mississippi, St. Croix, and Minnesota Rivers within the St. Paul-Minneapolis Metropolitan Area, the Secretary of the Interior and the Secretary of the Army are authorized and directed to appoint representatives to a Tri-Rivers Management Board (hereafter referred to as the "Board"), or any similar organization, which may be established by the State of Minnesota to assist in the development and implementation of consistent and coordinated land use planning and management policy for such portions of such rivers.

(b) PERSONNEL.—Upon request of the Board, the Secretary of the Interior and the Secretary of the Army may detail, on a reimbursable basis, any personnel to the Board.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to carry out the purposes of this section the sum of $100,000 annually; except that the Federal con-

tribution to the Board shall not exceed one-third of the annual operating costs of the Board.

Passed the House of Representatives September 29, 1987.

Attest: DONNALD K. ANDERSON,

Clerk.

100TH CONGRESS
1ST SESSION

H. R. 2952

IN THE SENATE OF THE UNITED STATES

OCTOBER 28 (legislative day, OCTOBER 16), 1987
Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To increase the amount authorized to be appropriated for acquisition at the Women's Rights National Historical Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR ACQUISITION.

Subsection (i) of section 1601 of the Act entitled "An Act to provide, with respect to the national park system: for the establishment of new units; for adjustments in boundaries; for increases in appropriation authorizations for land acquisition and development; and for other purposes" (16 U.S.C.

1 4101l(i)) is amended by striking out "$490,000" and inserting
2 in lieu thereof "$700,000".

Passed the House of Representatives October 27, 1987.

Attest: DONNALD K. ANDERSON,

Clerk.

100TH CONGRESS
2D SESSION

H. R. 3559

IN THE SENATE OF THE UNITED STATES

JUNE 21 (legislative day, JUNE 20), 1988
Received; read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize and direct the acquisition of lands for Canaveral National Seashore, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONS TO CANAVERAL NATIONAL SEASHORE.

(a) SEMINOLE REST AND STUCKEY'S.—

(1) The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized and directed to acquire approximately 25 acres of land in the State of Florida known as Seminole Rest and approximately 10 acres of land known as Stuckey's. Both areas are depicted on a map entitled "Additions to Canaveral National Seashore" numbered NS–CAN–40000–C and dated May 1988.

(2) The Secretary shall manage the lands known as Seminole Rest for the primary purpose of protecting and interpreting their archaeological and historic resources and the lands known as Stuckey's for the primary purpose of establishing an administrative headquarters and visitor center within Volusia County, Florida.

(b) ACQUISITION AUTHORITY.—Land acquired under this section may only be acquired in accordance with section 2 of the Act entitled "An Act to establish the Canaveral National Seashore in the State of Florida, and for other purposes" (16 U.S.C. 459j–1).

SEC. 2. AUTHORIZATION OF APPROPRIATIONS RELATING TO DEVELOPMENT OF ESSENTIAL PUBLIC FACILITIES.

Section 9(b) of the Act entitled "An Act to establish the Canaveral National Seashore in the State of Florida, and for other purposes" (16 U.S.C. 459j–8) is amended by striking out "not more than $500,000." and inserting in lieu thereof "$2.6 million in addition to the sums previously appropriated.".

SEC. 3. MISCELLANEOUS PROVISIONS.

(a) MAP.—The Secretary shall file the map referred to in this Act with the Committee on Interior and Insular Affairs, House of Representatives, and the Committee on

Energy and Natural Resources, Senate, and the map shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such map may be made. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the acquisitions authorized by this Act.

Passed the House of Representatives June 20, 1988.

Attest: DONNALD K. ANDERSON,

Clerk.

IB

Union Calendar No. 427

100TH CONGRESS
2D SESSION

H. R. 4050

[Report No. 100–707]

For the relief of certain persons in Riverside County, California, who purchased land in good faith reliance on an existing private land survey.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1988

Mr. MCCANDLESS introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

JUNE 15, 1988

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

A BILL

For the relief of certain persons in Riverside County, California, who purchased land in good faith reliance on an existing private land survey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the survey—

(1) conducted in 1955 by Hugh M. Gallaher and Leo C. Carroll of Albert A. Webb Associates;

90-487 - 88 - 2

(2) recorded in book 22, pages 52 and 53, of the Records of Surveys of Riverside County, California; and

(3) depicting a portion of township 6 south, range 4 west, San Bernardino Meridian, California; is hereby deemed the legal boundary survey of that portion of the township and therefore represents the true location of the legal description as monumented and platted.

100TH CONGRESS
2D SESSION

H. R. 4212

IN THE SENATE OF THE UNITED STATES

JUNE 21 (legislative day, JUNE 20), 1988
Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To amend the Joint resolution of April 27, 1962, to permit the Secretary of the Interior to establish the former home of Alexander Hamilton as a national memorial at its present location in New York, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Joint resolution of April 27, 1962 (76 Stat. 57), is amended by striking all after the resolving clause and inserting the following:

"SECTION 1. HAMILTON GRANGE NATIONAL MEMORIAL.

"(a) ESTABLISHMENT.—In order to provide for the benefit, inspiration, and education of the American people, there is hereby established the Hamilton Grange National Memorial (hereinafter in this Act referred to as the 'memorial') in the State of New York.

"(b) MAP.—The memorial shall consist of the lands and interests in lands and improvements as generally depicted on the map entitled 'Hamilton Grange National Memorial Boundary Map', numbered 416/80,002 and dated June 1988.

"SEC. 2. ACQUISITION OF PROPERTY.

"The Secretary of the Interior (hereinafter in this Act referred as the 'Secretary') is authorized to acquire lands, interests in lands, and improvements thereon within the boundaries of the memorial by donation. The Secretary is authorized to reimburse the owner not more than $15,000 for administrative costs directly related to the transfer of ownership of this property. The Secretary may also acquire by the donation, purchase with donated or appropriated funds or by exchange, personal property associated with and appropriate for interpretation of the memorial.

"SEC. 3. ADMINISTRATION OF MEMORIAL.

"The Secretary shall administer the memorial in accordance with the provisions of law generally applicable to units of the National Park System, including the Act of August 21, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461). In administering the memorial, the Secretary shall—

"(1) provide for the interpretation of the life of Alexander Hamilton;

"(2) preserve and interpret the history of The Grange, home of Alexander Hamilton; and

"(3) present the history of the United States as a young Nation.

"SEC. 4. GENERAL MANAGEMENT PLAN.

"Within 3 complete fiscal years after the enactment of this section, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a general management plan for the memorial. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. la–1—la–7). Such plan shall identify appropriate facilities for proper interpretation of the site for visitors.

"SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out this Act.".

Passed the House of Representatives June 20, 1988.

Attest: DONNALD K. ANDERSON,

Clerk.

100TH CONGRESS
2D SESSION

H. R. 4315

IN THE SENATE OF THE UNITED STATES

JULY 12 (legislative day, JULY 8), 1988
Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To provide for the inclusion of certain lands within the John Muir National Historic Site.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY CHANGE FOR JOHN MUIR NATIONAL HISTORIC SITE.

(a) MAP; LAND ACQUISITION.—The Secretary of the Interior is authorized to acquire (by donation, purchase with donated or appropriated funds, or exchange) lands and interests in land within the area generally depicted on the map entitled "Boundary Map, John Muir National Historic Site" numbered 426–80, 015A and dated June 1988. The map shall be on file and available for public inspection in the

offices of the National Park Service, Department of the Interior. Lands and interests in lands, within the boundaries of such area which are owned by the State of California or any political subdivision thereof, may be acquired only by donation or exchange. The Secretary of the Interior shall acquire only such interests in the John Muir grave site (as depicted on the map referred to in this subsection) as may be necessary to preserve the site in its present undeveloped condition and to provide all maintenance of the site by the Secretary of the Interior.

(b) INCLUSION WITHIN HISTORIC SITE.—The lands and interests in lands within the boundaries of the area depicted on the map referred to in subsection (a) shall be administered as part of the John Muir National Historic Site established by the Act of August 31, 1964 (78 Stat. 753; 16 U.S.C. 461 note).

(c) AUTHORIZATION OF APPROPRIATIONS.—For purposes of acquiring the lands and interests in lands within the area depicted on the map referred to in subsection (a), there are authorized to be appropriated such sums as may be necessary.

(d) COOPERATIVE AGREEMENT.—The Secretary of the Interior, acting through the Director of the National Park Service, is authorized to enter into a cooperative agreement with the East Bay Regional Park District of Oakland, Cali-

fornia, for the operation and maintenance by such District of trails on lands within the John Muir National Historic Site.

Passed the House of Representatives July 11, 1988.

Attest: DONNALD K. ANDERSON,

Clerk.

100TH CONGRESS
1ST SESSION

S. 1290

To direct the Secretary of the Interior to acquire certain real property adjacent to the Andrew Johnson National Historic Site in Greeneville, Tennessee, for inclusion within the national cemetery located in that Site.

IN THE SENATE OF THE UNITED STATES

MAY 28, 1987

Mr. SASSER (for himself and Mr. GORE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources.

A BILL

To direct the Secretary of the Interior to acquire certain real property adjacent to the Andrew Johnson National Historic Site in Greeneville, Tennessee, for inclusion within the national cemetery located in that Site.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION AND ADMINISTRATION OF PROPERTY ADJACENT TO ANDREW JOHNSON NATIONAL HISTORIC SITE.

The Secretary of the Interior shall acquire by donation the real property described in section 2 for inclusion within the national cemetery located in the Andrew Johnson Na-

tional Historic Site in Greeneville, Tennessee. Upon acquisition, such property shall be added to, and administered as part of, the Andrew Johnson National Historic Site.

SEC. 2. PROPERTY TO BE ACQUIRED.

The property to be acquired by the Secretary consists of 1.2 acres situated in the 10th Civil District of Greene County, Tennessee, and being lots numbered 83, 84, 85, 86, and 87, of the Sunnyside Addition, as shown by plat of record in plat book numbered 4, page 59, Register's Office for Greene County, Tennessee.

II

100TH CONGRESS
2D SESSION

S. 2565

To remove certain restrictions on land acquisition for Antietam National Battlefield.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 1988

Mr. SARBANES (for himself and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To remove certain restrictions on land acquisition for Antietam National Battlefield.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF CERTAIN RESTRICTIONS ON LAND ACQUISITIONS FOR ANTIETAM NATIONAL BATTLEFIELD.

(a) ACREAGE LIMITATION.—The first section of the Act entitled "An Act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland", approved April 22, 1960 (16 U.S.C. 430oo) is amended by striking out "Not more than 600 acres of land, howev-

er, shall be acquired in fee by purchase or condemnation, but neither this limitation nor any other provision of law shall preclude such acquisition of the fee title to other lands and its immediate reconveyance to the former owner with such covenants, restrictions, or conditions as will accomplish the purposes of this section: *Provided,* That the cost to the Government of any such transaction shall not exceed the reasonable value of the covenants, restrictions, or conditions thereby imposed on the property.".

(b) SCENIC EASEMENT LIMITATION.—Section 319(a) of the National Parks and Recreation Act of 1978 (16 U.S.C. 430oo note) is amended by striking out "only scenic easements over".

(c) SITE REDESIGNATION.—Section 319(b) of the National Parks and Recreation Act of 1978 (16 U.S.C. 430nn note) is amended by striking out ", including only scenic easements acquired pursuant to subsection (a) of this section,".

II

100TH CONGRESS
2D SESSION

S. 2586

To quiet title and possession with respect to a certain private land claim in Sumter County, Alabama.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 1988

Mr. SHELBY introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To quiet title and possession with respect to a certain private land claim in Sumter County, Alabama.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the limitation provision of section 1 of the Act of December 22, 1928, as amended (45 Stat. 1069; 43 U.S.C. 1068), popularly known as the Color-of-Title Act, that restricts conveyances under that Act to not more than 160 acres, shall not apply to any claim for a patent that may be filed under the Color-of-Title Act for a parcel of land described as section 33, township 20 north, range 1 west, Sumter County, Alabama.

SEC. 2. Except as otherwise provided in section 2 of this Act, all provisions of the Color-of-Title Act shall apply to any claim for a patent under the Color-of-Title Act for the parcel of land described in the first section of this Act.

Senator FORD. The record will remain open for at least two weeks to receive additional comments and testimony that may not have been filed this morning.

We are very pleased to have the distinguished Congressman Bruce Vento with us this morning. He has a special interest in one of our bills. Bruce, we would be delighted to have your testimony. If you want to highlight it, we will put your full statement in the record.

STATEMENT OF HON. BRUCE F. VENTO, U.S. REPRESENTATIVE FROM MINNESOTA

Mr. VENTO. Thank you, Mr. Chairman. I appreciate the hearing on this matter and the attention that the Senate is providing.

This proposal for the designation of a Mississippi National River Recreation Area has been studied for at least the past 10 years. I think it is surprising to most of us that no segment of the Mississippi River—probably the most prominent geologic and geographic feature of the North American continent we do not recognize and do not have represented in our national park system as a unit.

What we propose in this measure is to designate an 80 mile segment of the Mississippi as it starts near the Crow River in Minnesota and at the confluence of that river with the St. Croix River at the Wisconsin-Minnesota border. That 80 mile segment, Mr. Chairman, has a free-flowing area which is unaffected by any type of water structures.

Today many of these free-flowing areas of the Mississippi, I might add, have some grass growing out in the middle of the river, or at least in some of the areas further north than what we are talking about.

But frankly, it's the only segment of the Mississippi that is in a sense free-flowing other than areas further north in the headwaters area.

It is one of the best small-mouth bass fishing areas of the Nation. I know it might be of interest to the Chairman. It is always to me.

And it has a waterfalls at St. Anthony or in Minneapolis, the only waterfalls on the Mississippi. It has many natural and historic features, historic Fort Snelling, which has been maintained by the state.

It has 2,000 nesting pairs of herons, and one of the rookeries along the river, just to give you some demonstration and, of course, Indian burial sites, mounds, which still persist there, and many, many other features that are of importance to the broad plain.

Some of it has been subject to economic development, but I want to assure the Chairman and the members of the committee that there has been a renaissance in terms of—a change in terms of attitude with regard to the major cities of Minneapolis and St. Paul that would be in this segment that would be designated. They have literally invested hundreds of millions of dollars in terms of turning around and repairing the river.

One of the sins of our ancestors, Mr. Chairman, is that since we had all of these lakes, over 11,000 lakes that we actually qualify as lakes, and another 11,000 or 12,000 areas we classify as wetlands in Minnesota, the wealth of lakes probably caused us to be less than

vigilant with regard to how we use the river. The river became used as sort of on the lowest common denominator basis. If something wasn't appropriate in some other area, it sometimes ended up on the river flats. Well, that is changing and changing very rapidly. Vast amounts of money are being invested.

This proposal that I have before the committee on this 80 mile segment we find affects 80 different political subdivisions that make decisions that affect it. What we're trying to do, Mr. Chairman, is to turn that around to provide a coordinating committee in this legislation, to provide a Federal presence. The Federal presence today, of course, is the Corps of Engineers with its good work with regard to transportation, with regard to flood control, the Coast Guard vis-a-vis navigation and, of course, the Federal Energy Regulatory Commission with regard to energy.

The question is: How do we begin to recognize the importance of this river in terms of recreation? What do we do and how do we speak to the effort of preservation of the natural and cultural resources that are so prominent in this river?

I think the fact is that through the various units of government, the Minnesota Metropolitan Council, there is an awareness and a willingness to work with the national government. There is I don't think any way that I or other members would appropriately try and place the Park Service in charge of a reluctant series of political subdivisions and the decisions they have to make with regard to zoning unless there was substantial cooperation.

After 10 years of study, after a number of reconnaissance studies, after a special commission that was appointed in 1980, a national commission, all of them have recommended the designation. There is every reason to believe that there would be good coordination and a common understanding as to the goals that would be attained. It would give us the opportunity to designate, as I said, one of the segments of the Mississippi that has outstanding qualities and would be the only segment that would be designated as part of our national park system.

I commend this bill to you. I am willing to work with you and the other members of the Senate. We have a good advocate in terms of our Senators here, especially Senator Durenberger who has taken an active interest in this matter. So, I am hopeful that we can accomplish this goal this session, and I would appreciate the cooperation.

[The prepared statement of Mr. Vento follows:]

TESTIMONY
CONGRESSMAN BRUCE F. VENTO
BEFORE THE SENATE SUBCOMMITTEE
ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
TUESDAY, AUGUST 2, 1988

MR. CHAIRMAN, AS THE AUTHOR OF H.R. 2530, I AM PLEASED TO HAVE THE OPPORTUNITY TO TESTIFY BEFORE THE SUBCOMMITTEE ON THIS LEGISLATION TO DESIGNATE THE 80 MILE SEGMENT OF THE MISSISSIPPI RIVER WITHIN THE ST. PAUL-MINNEAPOLIS METROPOLITAN REGION OF MINNESOTA AS THE MISSISSIPPI NATIONAL RIVER AND RECREATION AREA.

THE MISSISSIPPI RIVER IS A TIMELESS NATURAL RESOURCE THAT IS A VITAL PART OF OUR NATIONAL HERITAGE. THE RIVER'S PASSAGE THROUGH THE TWIN CITIES METROPOLITAN REGION REVEALS A DIVERSITY OF RESOURCES FOUND IN NO OTHER STRETCH OF THIS GREAT RIVER. IT IS REMARKABLE TO FIND SUCH AN UNDEVELOPED AND RELATIVELY UNSPOILED RIVER RESOURCE IN AN URBAN ENVIRONMENT. FOLLOWING THIS SEGMENT OF THE RIVER ONE CAN SEE AND ENJOY A HOST OF RESOURCES INCLUDING; PRIME FISHING HABITAT, THE ONLY SIGNIFICANT WATERFALL (ST. ANTHONY) ALONG THE RIVER'S ENTIRE LENGTH, NATIONAL HISTORIC LANDMARKS, INDIAN BURIAL SITES AND ARCHEOLOGICAL RUINS, A MASSIVE 2000 NEST HERON ROOKERY, 450 MILLION YEAR OLD GEOLOGIC FORMATIONS AND STRETCHES OF TRANQUIL RIVER THAT MAKE ONE SEEM FAR REMOVED FROM AN URBAN AREA.

THE MISSISSIPPI'S RESOURCES WITHIN A METROPOLITAN AREA OF 2.2 MILLION PEOPLE HAVE BEEN THE FOCUS OF NATIONAL PARK SERVICE STUDIES DONE IN 1980 AND 1987 AS WELL AS A REVIEW OF THE CONGRESSIONALLY AUTHORIZED METROPOLITAN RIVER CORRIDOR STUDY COMMITTEE. ALL HAVE FOUND THE NATURAL, CULTURAL AND RECREATIONAL RESOURCES OF THE MISSISSIPPI RIVER IN THIS AREA TO BE NATIONALLY

SIGNIFICANT. FURTHER, THE NATIONAL PARK SERVICE HAS NOTED THAT THE INHERENT SIGNIFICANT QUALITIES OF THE MISSISSIPPI HAVE NOT BEEN RECOGNIZED IN THE NATIONAL PARK SYSTEM.

H.R. 2530 ESTABLISHES A COOPERATIVE FRAMEWORK FOR THE PRESERVATION AND UTILIZATION OF THE SIGNIFICANT NATIONAL RESOURCES FOUND WITHIN THIS SEGMENT OF THE MISSISSIPPI RIVER. THE LEGISLATION DIRECTS THE DEVELOPMENT OF A MANAGEMENT PLAN FOR THE AREA THAT WOULD PROVIDE DIRECTION AND COORDINATION IN ITS IMPLEMENTATION AT THE FEDERAL, STATE AND LOCAL LEVELS. NATIONAL PARK SERVICE MANAGEMENT WOULD COMPLEMENT STATE AND LOCAL AUTHORITIES IN THE AREA AND PROVIDE US WITH THE OPPORTUNITY TO PRESERVE SIGNIFICANT RESOURCES WITHOUT HAVING TO SHOULDER THE ENTIRE FINANCIAL AND MANAGEMENT BURDENS. WE WILL BE WORKING IN PARTNERSHIP WITH STATE AND LOCAL GOVERNMENTS TO DEVELOP AND IMPLEMENT RESOURCE MANAGEMENT POLICIES AND PROGRAMS THAT IF DONE AT THE SEPARATE LEVELS OF GOVERNMENT WOULD BE IMPOSSIBLE TO ACHIEVE. THE LEGISLATION OFFERS US THE OPPORTUNITY TO ELIMINATE OVERLAPPING RESPONSIBILITIES AND COORDINATE MANAGEMENT STRATEGIES THAT WILL PROMOTE EFFICIENCY IN THE USE AND PRESERVATION OF THIS MULTIDIMENSIONAL RIVER RESOURCE.

TO REACH THE POINT WHERE WE ARE TODAY WITH THIS LEGISLATION HAS BEEN THE RESULT OF WELL OVER A DECADE OF WORK BY CONCERNED INDIVIDUALS AND PUBLIC AGENCIES. SCORES OF FEDERAL, STATE AND LOCAL AGENCIES HAVE JURISDICTION OVER LAND AND WATER USE IN THE AREA AND IT WOULD HAVE BEEN EASY TO GET BOGGED DOWN IN PAROCHIALISM OVER THE RIVER'S PROTECTION AND USE. I AM PROUD OF

THE WILLINGNESS AND DETERMINATION OF THE STATE AND LOCAL GOVERNMENTS AND THE PUBLIC AT LARGE TO LOOK AT INNOVATIVE SOLUTIONS TO MEET THE PRESENT AND FUTURE NEEDS OF THE SIGNIFICANT RESOURCES THAT THE MISSISSIPPI HAS TO OFFER THE NATION. H.R. 2530 HAS THE COSPONSORSHIP OF THE ENTIRE MINNESOTA HOUSE DELEGATION AND I HAVE WORKED CLOSELY ON THIS MATTER WITH OUR MINNESOTA SENATORS, ESPECIALLY SENATOR DURENBURGER WHO HAS HAD A LONG STANDING AND ACTIVE INTEREST IN THIS MATTER. SUPPORT FOR THE INITIATIVE INCLUDES THE STATE OF MINNESOTA, THE METROPOLITAN COUNCIL OF THE TWIN CITIES, THE CITIES OF ST. PAUL AND MINNEAPOLIS, THE FIVE COUNTIES THAT FRONT THE RIVER AND THE MAJOR METROPOLITAN NEWSPAPERS OF THE TWIN CITIES.

MR. CHAIRMAN, H.R. 2530 IS A WORTHY RIVER CONSERVATION INITIATIVE THAT I HOPE WILL RECEIVE THE FAVORABLE CONSIDERATION OF YOUR MEMBERS. AGAIN, I WANT TO THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU ON THIS MATTER.

Senator FORD. Fine. Thank you very much, Congressman. I have no questions. I think you have explained it very well.

With permission, I'm going to file Senator Durenberger's statement following your statement for the record. And if he arrives later, we will allow him to present that personally. But if he is detained someplace else, we will do that.

Mr. VENTO. Well, thank you for taking me——

Senator FORD. Bruce, you are mighty nice to come over this morning, and we assure you we will give it very close scrutiny.

Mr. VENTO. I appreciate your help, Senator.

Senator FORD. Thank you, sir.

We will now hear Dennis P. Galvin who is the Deputy Director of the National Park Service and Roland G. Robison, Deputy Director—well, excuse me. Senator Durenberger has just arrived, and I apologize to you for calling you up.

[The prepared statement of Senator Durenberger follows:]

PREPARED STATEMENT OF SENATOR DURENBERGER

Thank you Mr. Chairman, I appreciate your interest in the Mississippi River, your interest in the metro Mississippi River bill, H.R. 2530, and the opportunity to address the subcommittee.

I first became interested in the Mississippi River and its development in the early 1970's when I chaired the Hennepin County Park Reserve District and Metropolitan Parks and Open Space Commission. At that time I initiated a study identifying open spaces and recreational opportunities within the Minneapolis-St. Paul metro area. When I was elected to the Senate 1978, one of the first projects I worked on was the Metropolitan River Corridor Study Committee. The committee examined the twin cities' portion of the Mississippi River, its governance, and the potential Federal role in its wise development. The committee did a wonderful job resulting in the publication of its report in January of 1986.

There is now a clear recognition among the governments of the twin cities that the Mississippi River is a valuable resource requiring wise management. To do this there should be a mechanism to make the efforts of each community complement and build upon the efforts of their neighbors. The Federal Government must become a partner, providing both expertise and financial assistance. H.R. 2530, introduced by Congressman Vento on May 27, 1987 and passed by the House on September 9, 1988, is designed to do just that.

Since the passage of the House bill, Congressman Vento and I, along with Senator Boschwitz and numerous local community leaders have discussed amendments to improve what is already a good bill. We all agree that the river deserves national recognition and that an intergovernmental mechanism be established to ensure coordinated development of the river. Thus, our only differences stem from the form the intergovernmental mechanism should take and the role the Federal Government should play. These are minor differences and I believe minor amendments to the House passed version are all that is necessary.

Mr. Chairman, there are two changes that I feel the subcommittee should consider. First, I believe the Federal Government can play a very important role, facilitating intergovernmental coordination. But, this cannot be done by fiat or imposition; all this would do is add another unwanted bureaucracy. Thus, instead of assuming significant land ownership and regulatory responsibilities as H.R. 2530 provides, the Federal Government should form a partnership with State, regional, and local governments providing expert advice and financial assistance. Toward this end, I believe that these governments, particularly the metropolitan council, should be used to the greatest degree possible.

Second, I believe that the river's national significance calls for an interpretive and educational center to focus attention on the river and its historic, environmental, economic, and national importance.

Once again, thank you very much for the opportunity to address the subcommittee. The metro Mississippi River deserves national recognition and coordinated development.

STATEMENT OF HON. DAVID DURENBERGER, U.S. SENATOR FROM MINNESOTA

Senator DURENBERGER. I'm sorry. I just wanted to be here to introduce Bruce—and I know he needs no introduction here—and to tell you how much I appreciate the work that he has done on the House side on this issue, and just to let you know that sort of like all of us come from somewhere on this whole issue of the metro rivers.

In the early 1970s, while you were busy governing Kentucky or coming to the Senate or whatever, I was involved as Chairman of the Metropolitan Parks and Open Space Committee in the Twin Cities area, which is a seven county——

Senator FORD. Would you explain "or whatever"? [Laughter.]

Senator DURENBERGER. No. I leave that to you, Mr. Chairman.

So, I got deeply involved in this process of development in the natural resource balance in a rather unique river-based metropolitan area. And at the time we sort of left to the side the issue of these rivers because the rivers are part of interstate commerce, and there is a lot of national agency involvement. And when I came to the Senate in 1978, I saw it as an opportunity to do something right and raised a lot of money through some foundations in order to do a study of this area. And it is out of that study that the proposal before you grows.

Now, I don't agree in every respect with what Congressman Vento and his committee has come up with on the House side, and we have a couple, three amendments I think that we are going to suggest to you. But I wanted to give you that personal background as well and then also to compliment my colleague, with whom I don't always agree on many issues, for the work and the effort that he personally has put into this and to recommend your consideration of this bill at some appropriate time. And I thank you very much.

Senator FORD. I filed your full statement for the record following Congressman Vento's.

And I have just been reminded that all along the Ohio River, our communities are turning back toward the river. They are improving the river with the belvederes, new office complexes and that sort of thing. And it goes back to what you were saying that the connection, the linkage, is very strong.

I thank you, Senator.

Senator DURENBERGER. Thank you.

Senator FORD. We will move on then. We will hear Mr. Galvin and Mr. Robison now. Mr. Robison is Deputy Director of the Bureau of Land Management. Mr. Robison, if you would like to proceed, why, we will hear your testimony and whatever you have will be filed as part of the record. If you want to highlight it, why, it would be fine with this Senator.

STATEMENT OF ROLAND G. ROBISON, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. ROBISON. Thank you, Mr. Chairman.

First, I would like to report on S. 2586. That is a bill that would waive the 160 acre statutory limitation for color of title claims so that a certain claimant to about 260 acres of land in the State of Alabama could have his claim processed.

The purpose of the bill is not to adjudicate the claim. It is merely to grant the individual who has a claim in excess of 160 acres to be heard on the issue.

The claim grows out of the Choctaw Indian Treaty of 1830. In that particular treaty, it was possible for individuals to take up to 640 acres of land.

Because it is bottomed on the Choctaw Treaty, we deem it quite appropriate that the waiver be granted so that the full claim can be adjudicated. And we, therefore, would favor its enactment.

If there are any questions on that, Mr. Chairman, I——

Senator FORD. I doubt seriously that I'll have questions on any of these. I want to file your statement as it relates to the bills you have interest in. And Senator Bumpers, as you probably know, is ill this morning. He has the politician's flu: he can't speak. [Laughter.]

So, I'm here to try to help this morning. And I'm kind of out of character. I'm a character, but I'm out of character. So, that's kind of the way we'll have to do it this morning.

Mr. ROBISON. Very good. I have filed a statement which, as you have indicated, will be included in the record.

Senator FORD. It will be included in the record in total.

[The prepared statement of Mr. Robison regarding S. 2586 follows:]

AUG 2 1988

STATEMENT OF ROLAND G. ROBISON, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 2586, A BILL "TO QUIET TITLE AND POSSESSION WITH RESPECT TO A CERTAIN PRIVATE LAND CLAIM IN SUMTER COUNTY, ALABAMA."

I appreciate the opportunity to appear here today to discuss the position of the Department of the Interior on S. 2586.

The first section of S. 2586 would waive the 160 acre statutory limitation for a Color of Title claim for a certain section of land in Sumter County, Alabama.

Section 2 would provide that, except as otherwise provided in "section 2", all provisions of the Color of Title Act shall apply to any claim for a patent filed pursuant to the first section of S. 2586. We presume the reference to "section 2" is in error because it is the first section, not section 2, which would propose the exception to the Color of Title Act.

We are not opposed to enactment of S. 2586.

The section of land that is the focus of this bill was reserved to a private individual by the United States under the Choctaw Treaty of 1830. The Treaty provides for reservations and grants of fee simple greater than 160 acres. Since this treaty forms the basis of the Color of Title claim, we have no objection to waiving the 160 acre statutory limitation. The bill does not address the issue of entitlement to the land. The claim will be adjudicated on its merits under the Color of Title Act.

This concludes my statement. I will be happy to answer questions.

Mr. ROBISON. I have another bill to give testimony on. That is H.R. 4050, which would provide that a boundary survey of a portion of Township 6 South, Range 4 West in San Bernardino and Meridian, California, which was conducted in 1955 by two private surveyors, be deemed the legal boundary survey of that portion of the township, and shall represent the true location of the legal descriptions as monumented and platted.

What happened is that in 1955 when the survey was conducted, it was based upon boundary markers placed there in 1893 which were improperly placed by a contractee of the United States. As a result, the boundaries in that particular area are skewed. We are talking about some 60 acres.

The practical way to solve the problem is by this legislation which would recognize the 1955 survey. It is much easier to proceed through legislation to handle it than to try to go back and undo what has been done over a long period of time affecting a rather substantial body of landowners.

The correction that would be brought about by this legislation will operate both to the advantage of the landowners and the United States as it will fix boundaries permanently. The United States will not be seriously disadvantaged by it.

We think it is a practical solution to a real problem and would recommend that the bill be enacted.

[The prepared statement of Mr. Robison regarding H.R. 4050 follows:]

AUG 2 1988

STATEMENT OF ROLAND G. ROBISON, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON H.R. 4050, AN ACT "FOR THE RELIEF OF CERTAIN PERSONS IN RIVERSIDE COUNTY, CALIFORNIA, WHO PURCHASED LAND IN GOOD FAITH RELIANCE ON AN EXISTING PRIVATE LAND SURVEY".

I appreciate the opportunity to appear here today to discuss H.R. 4050.

H.R. 4050 would provide that the boundary survey of a portion of Township 6 South, Range 4 West, San Bernardino Meridian, California, which was conducted in 1955 by Hugh M. Gallaher and Leo C. Carroll of Albert A. Webb Associates shall be deemed the legal boundary survey of that portion of the township and shall represent the true location of the legal descriptions as monumented and platted.

We favor enactment of H.R. 4050.

The bill would provide a solution to a land ownership problem stemming from a private survey that relied on the wrong set of corner monuments on the south boundary of the Township, which were fraudently established by a surveyor under contract with the Federal Government. Because of discrepancies between the private survey and the original government survey, scores of private landowners are encroaching on lands in the Cleveland National Forest, resulting in a complex situation that cannot be resolved administratively. Correcting the results of the error in the private survey would be a monumental task and an extremely expensive process.

We recognize that this type of legislation may send the wrong message to private surveyors that Congress will rectify situations in which they improperly locate boundaries of private land. However, in this instance, the trade-offs between loss and gain on the part of the United States would be about equal and the inaccurate corner monuments were fraudulently established by a surveyor under contract with the Federal Government.

This concludes my statement. I will be pleased to respond to any questions you may have.

Senator FORD. Fine.

Mr. ROBISON. That would conclude my testimony, Mr. Chairman, on the two bills that we have under consideration.

Senator FORD. Mr. Robison, you are mighty nice to come this morning and give us your recommendations, and we appreciate it. And your total statements will be included in the record.

I don't know if you want to stay or you want to go. I'll leave it up to you unless you want to—misery might love company at the head table here this morning.

Mr. ROBISON. Actually I would rather stay, but I have another hearing on the House side, Mr. Chairman.

Senator FORD. Well, let's not cause any problems in the other body.

Mr. ROBISON. Thank you very much.

Senator FORD. So, you may be excused, and I thank you for coming.

Denis, do you want to proceed?

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. GALVIN. Mr. Chairman, I have prepared statements on seven of the bills you are hearing today.

Senator FORD. Those statements will be included in the record as if given.

Mr. GALVIN. I will briefly summarize those statements.

H.R. 2530, the bill that would establish a Mississippi National River and Recreation Area within the Minneapolis-St. Paul metropolitan region, is opposed by the Department. We believe that these resources should more appropriately be acquired and conserved by State and local governments.

A National Park Service reconnaissance survey was completed by a study team in December of 1980. That team pointed out that State and metropolitan area governments have already been committing considerable funds to recreation in the corridor. The already existing recreational resources include approximately 30 parks which provide a multitude of recreation opportunities for the 2.2 million citizens of the metropolitan region.

We recognize that there are significant natural and historic resources in the corridor, but we do not believe that scarce Federal dollars should be spent to acquire and manage the area. We do not believe that Federal funds and Federal rule should be substituted for local responsibility for this area, this, in spite of the fact, Mr. Chairman, that in our view the corridor is a high-quality area.

Finally the Department of Justice has advised that this bill raises serious constitutional concerns by the manner in which it grants authority to a commission, whose members would not be appointed by the President, to prepare a Resource Management Plan for the proposed Mississippi National River and Recreation Area.

That concludes my summary.

[The prepared statement of Mr. Galvin regarding H.R. 2530 follows:]

STATEMENT OF DENIS GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING H.R. 2530, A BILL TO PROVIDE FOR THE ESTABLISHMENT OF THE MISSISSIPPI NATIONAL RIVER AND RECREATION AREA IN THE STATE OF MINNESOTA AND FOR OTHER PURPOSES.

AUGUST 2, 1988

Mr. Chairman and Members of the Committee, I appreciate the opportunity to present the views of the Department of the Interior with regard to H.R. 2530, a bill which would establish a Mississippi National River and Recreation Area within the Minneapolis-St. Paul metropolitan region.

The Department opposes the enactment of H.R. 2530. We believe that the resources within the 69-mile river corridor that would be designated as a national recreation area under this bill should more appropriately be acquired and conserved by State and local governments. We cannot support such a costly Federal management scheme for this area in a time of severe budget deficits.

H.R. 2530, as passed by the House on September 29, 1987, would:

--establish the Mississippi National River and Recreation Area, a corridor of approximately 69 miles along the Mississippi River and adjacent lands, as a unit of the National Park System with authority granted to the Secretary of the Interior to acquire lands within the boundary;

--establish for ten years a twenty member commission, including only 3 Federal officials, to serve as a coordinator and advisory organization to the Secretary of the Interior, the State of Minnesota, and local units of government in developing programs within the recreation area;

--require the commission to prepare within three years of enactment a unified comprehensive plan for land and water use measures within the recreation area to be developed and implemented by the appropriate entities;

--prohibit Federal projects, grants, and permits within the recreation area unless the Secretary determines they are compatible with the comprehensive plan; and

--require the Secretary to review all relevant local plans, laws, and ordinances, as well as their enforcement, to determine whether they substantially conform to the plan, and if such local ordinances do not conform, the Secretary is authorized to condemn land as necessary to protect the recreation area in accordance with the plan.

In 1980 the National Park Service was requested by various members of the Minnesota delegation to evaluate the Minnesota, Mississippi, and St. Croix Rivers within the seven county Twin Cities metropolitan region on "...how the entire metropolitan river system can be cooperatively managed and funded to serve the expanding recreational needs of the region, State, and nation as well as the essential industrial and transportation needs." In response to that request, a National Park Service reconnaissance survey was completed by a study team in December 1980. The study team found that considerable amount of land had been identified in the river corridors and set aside for recreation within them, and the corridors offer a variety of recreational and cultural opportunities and experiences to the people in the metropolitan area. The team pointed out that the State and metropolitan area governments have already been committing considerable funds to recreation in the corridors.

The corridor includes various natural, cultural, and recreational resources. Among the natural resources are the St. Anthony Falls, a significant heron rookery at Pig's Eye Lake, geological

formations, and diverse wildlife and fisheries. Cultural resources include historic Fort Snelling, a major early 19th century outpost in the Upper Midwest, as well as the Pillsbury Mill, which signifies the importance of the area as a flour milling center, and the St. Anthony Falls Historic District, within which the Nation's first hydroelectric generating plant once stood.

The already existing recreational resources include approximately 30 parks along the banks of the corridor, which provide a multitude of recreation opportunities for the 2.2 million citizens of the metropolitan region. Also, two State Wild and Scenic Rivers flow into the Mississippi River within the corridor while, at the same time, the federally designated Great River Road parallels the corridor.

An array of land uses occurs in the corridor. Large-scale commercial, industrial, and residential development are common. Manufacturing, petroleum refining, scrap-metal processing, sand and gravel mining, power production, and apartment complexes are on-going land uses. Other major riverfront developments include a drinking water intake facility at the north edge of Minneapolis, and a huge sewage treatment facility on Pig's Eye Island that discharges treated effluent into the river just downstream from St. Paul.

The river is host to pleasure boats, riverboat cruises, and bulk cargo transport by river barge. Although the corridor contains a number of marinas and access points, most recreational boating is through traffic headed toward the cleaner St. Croix River. Commercial navigation, including shipping of grain, coal, and other commodities, is the most significant use of the river. Terminals and barge fleeting account for much of the riverfront land use.

Mr. Chairman, while we recognize that there are significant natural and historic resources in the corridor, we do not believe that scarce Federal dollars should be spent to acquire and manage the area. The State and local governments and communities have done an excellent job in providing recreation opportunities and in preserving historic areas. However, under H.R. 2530 land acquisition costs alone could amount to many millions of dollars, with additional significant costs for annual operations and maintenance. We do not believe that Federal funds and Federal rules should be substituted for local responsibility for this area. With the budget deficit we face, every effort must be made to hold the line on Federal spending.

In our view, the corridor is a high-quality area, in which regional land use planning should be encouraged. There are 5 county, 4 township, and 20 municipal jurisdictions that have authority to approve land and water uses within the corridor. We recommend that the State and local governments continue to work together to protect those resources, which I referred to earlier, that are significant. We have adequate authority to provide technical assistance in outdoor recreation and in historic preservation techniques. We believe that is the proper role for the National Park Service in the corridor designated by H.R. 2530.

Finally, the Department of Justice has advised that H.R. 2530 raises serious constitutional concerns by the manner in which it grants authority to a commission, whose members would not be appointed by the President, to prepare a resource management plan for the proposed Mississippi National River and Recreation Area.

This concludes my prepared testimony, Mr. Chairman. I would be pleased to respond to any questions you or other Members of the Committee may have.

Senator FORD. Have you viewed the amendments that Senator Durenberger has suggested this morning?

Mr. GALVIN. No, Mr. Chairman, I don't believe that we have.

Senator FORD. It might clear up some of the problems you have with it, and if you would do that, Mr. Galvin, I'd appreciate it and give us a written note fairly soon.

Mr. GALVIN. We will do that, Mr. Chairman.

[The information follows:]

United States Department of the Interior

OFFICE OF THE SECRETARY
1988 AUG 24 PM 2:12 WASHINGTON, D.C. 20240

AUG 22 1988

Honorable Dale L. Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers:

At the recent hearing held before your Subcommittee on H.R. 2530, a bill to establish a Mississippi National River and Recreation Area in the vicinity of Minneapolis-St. Paul, Minnesota, this Department's witness was asked by Senator Ford to provide comments on two amendments recommended by Senator Durenberger. Senator Durenberger's recommendations are set forth below followed by our comments on them.

Recommendation: Instead of assuming significant land ownership and regulatory responsibilities as H.R. 2530 provides, the Federal Government should form a partnership with state, regional, and local governments providing expert advice and financial assistance.

Comment: In our testimony we stated that the National Park Service has sufficient authority to work with state and local governments in providing technical assistance in the areas of historic preservation and outdoor recreation. We do not feel that in this time of severely restricted financial resources it is in the best interest of the American taxpayer to add financial assistance for responsibilities which can be undertaken by state and local governments.

Recommendation: The river's national significance calls for an interpretive and educational center to focus attention on the river and its historic, environmental, economic, and national importance.

Comment: Within the National Park System, such centers are proposed where necessary to provide essential visitor use information, interpretation and certain administrative functions. They are not intended to be a substitute for personal and self-guiding

interpretation that is provided on the site of prime park resources. They are proposed when it has been determined that indoor media are the most effective means of communicating major elements of a park interpretive story and that a central public contact point is needed. If it is determined that such a facility is necessary within the Minneapolis-St. Paul area, we believe it should properly be developed and operated by non-Federal entities.

We hope these responses provide the Committee with information helpful in the consideration of H.R. 2530.

Sincerely,

Legislative Counsel

Senator FORD. Thank you.

Mr. GALVIN. H.R. 2952 would add authorization to acquire land at Women's Rights National Historical Park in Seneca Falls, New York. We recommend enactment of this measure, but only if it is amended to reduce the amount of the authorized increase.

The current legislative land acquisition ceiling is $490,000. This bill would raise the ceiling to $700,000. Only one piece of property remains to be acquired. We believe that it can be acquired for approximately $100,000. So, our recommendation would place the new ceiling at $600,000.

This bill would not require any new funds. It merely requires raising the authorization to acquire this property.

[The prepared statement of Mr. Galvin regarding H.R. 2952 follows:]

STATEMENT OF DENIS GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES ON H.R. 2952, A BILL TO INCREASE THE AMOUNT AUTHORIZED TO BE APPROPRIATED FOR LAND ACQUISITION AT THE WOMEN'S RIGHTS NATIONAL HISTORICAL PARK, NEW YORK.

AUGUST 2, 1988

Mr. Chairman and Members of the Committee, it is a pleasure to appear before you today to discuss H.R. 2952, a bill to increase the land acquisition ceiling for Women's Rights National Historical Park in the State of New York.

We recommend enactment of H.R. 2952 but only if it is amended to reduce the amount of the authorized increase. If enacted, H.R. 2952 would raise the land acquisition ceiling for Women's Rights National Historical Park from the current $490,000 to $700,000. Our recommendation would place the new ceiling at $600,000.

As passed by the House of Representatives on October 27, 1987, H.R. 2952 would increase the land acquisition ceiling at Women's Rights National Historical Park to $700,000 so that the theater at 128 Fall Street in Seneca Falls, New York can be acquired. This is the only unacquired tract of land remaining of those identified for fee acquisition by Public Law 96-607, the Act which established the park. As a point in fact, this bill is technical in nature in that it would authorize the National Park Service to reprogram $100,000 of existing funds to acquire this tract. Located in the center of the Village of Seneca Falls and adjacent to the Wesleyan Methodist Chapel, this tract consists of 0.28 acres with a cinder block movie theater and wood frame house on it. This area is proposed to be the focal point of the park.

Women's Rights National Historical Park was established by Title XVI of Public Law 96-607 on December 28, 1980. The park consists of nine designated sites in Seneca Falls and Waterloo, New York associated with the nineteenth century women's rights movement.

One of the designated sites, the Wesleyan Methodist Chapel in Seneca Falls, was the site of the Women's Rights Convention in 1848. This convention marked the formal beginning of the struggle by women to gain equal rights.

Since the establishment of the park the National Park Service has completed a general management plan for the park, the State of New York has completed an Urban Cultural Park Management Plan, and all other sites designated for fee acquisition in the authorizing legislation have been acquired. Park visitation has increased from 7,000 in 1984 to 17,000 in 1987.

The land acquisition ceiling was originally established at $490,000. To date $500,000 has been appropriated. While the National Park Service had an offer to sell from the owner of this property in December 1986, we were unable to accept this offer, and it expired on June 12, 1987. This occurred because we were unable to reprogram existing land acquisition funds within the North Atlantic Region to purchase this property due to insufficient authority in the land acquisition ceiling for Women's Rights National Historical Park. Therefore, we recommend that the ceiling be increased only by $110,000 so that this reprogramming may proceed and the acquisition can be completed in a timely fashion. We estimate that we would need approximately $100,000 in additional authority to cover this proposed reprogramming plus an additional $10,000 to cover the authority that has been exceeded by appropriations to date. I want to emphasize that we are supporting authority that would enable us to reprogram existing funds. No new appropriations are required. There are sufficient unobligated funds available that, together with the $100,000 we would reprogram, we could utilize to purchase this property from the willing seller.

Mr. Chairman, this concludes my prepared testimony on H.R. 2952. I would be pleased to respond to any questions you or the other Members of the Committee may have.

Mr. GALVIN. H.R. 3559 authorizes the acquisition of two pieces of property for the purpose of establishing an administrative headquarters for the Canaveral National Seashore in the State of Florida. We oppose enactment of H.R. 3559.

This measure, as passed by the House of Representatives, would authorize and direct the Secretary to acquire two parcels of land to be added to Canaveral National Seashore, 25 acres known as Seminole Rest and a 10 acre site known as Stuckey's. The Stuckey's site would be acquired for an administrative headquarters. Seminole Rest would be managed to protect and interpret the archaeological and historic resources on the property.

H.R. 3559 would also increase the park's development ceiling from the present $500,000 to $3.1 million. According to the House committee report, these sums are for developments both within the existing national seashore, as well as on the two additional parcels authorized in this bill.

Seminole Rest, which was originally proposed for acquisition for the administrative headquarters, has turned out to contain significant archaeological resources. It contains a midden or mound containing debris from aboriginal meals, as well as artifacts, perhaps the best of its kind in the State of Florida. So, we now believe that its acquisition as an administrative site would be inappropriate.

The Stuckey's site would be appropriate for an administrative headquarters in our judgment.

While we do not take exception with the intent of this bill, we cannot support additional acquisition authorization with appropriated funds in light of the Federal budget deficit.

H.R. 3559, as passed by the House, also provides for a significant increase in the development ceiling. We do support part of that increase, $900,000, which would permit us to provide adequate, modern sanitary facilities for visitors along the beaches. These are requested in our fiscal year 1989 budget proposal, as well as the park's General Management Plan.

[The prepared statement of Mr. Galvin regarding H.R. 3559 follows:]

STATEMENT OF DENIS GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING H.R. 3559, A BILL TO AUTHORIZE THE ACQUISITION OF 25 ACRES TO BE USED FOR AN ADMINISTRATIVE HEADQUARTERS FOR CANAVERAL NATIONAL SEASHORE IN THE STATE OF FLORIDA.

AUGUST 2, 1988

Mr. Chairman and Members of the Committee, it is a pleasure to be here today to discuss H.R. 3559, a bill to authorize the acquisition of approximately 25 acres for the purpose of establishing an administrative headquarters for the Canaveral National Seashore in the State of Florida.

We oppose enactment of H.R. 3559.

Canaveral National Seashore was established by Congress in 1975 to "preserve and protect the outstanding natural, scenic, scientific, ecologic and historic values of certain lands, shoreline, and waters of the State of Florida, and to provide for public outdoor recreation use and enjoyment of the same...." The Seashore's nearly 60,000 acres of beach strand, wetlands, and submerged lagoon, and 24 miles of sandy beach, represent an important conservation and public recreation commitment in a region of the United States that has seen radical changes in land use and population density over the past 50 years. Even within the Seashore there are many signs of alteration of the natural system, such as extensive dikes and impoundments, early-established drainage ditches, and a network of unpaved roads. Despite all these alterations it is a fact that the Seashore is still one of the least disturbed coastal segments remaining along the Nation's subtropical shoreline and one of the very last sections of undeveloped beachfront in Florida.

Canaveral National Seashore is one of several barrier islands along the Atlantic and Gulf Coasts, one among the last surviving

portions of a natural ecological continuum that once extended from Cape Cod in Massachusetts to Mexico. For this reason, the national seashores, including Canaveral, take on exceptional ecological significance by conserving barrier island habitat at various locations along this continuum.

The Seashore is home to some 13 species of threatened or endangered wildlife including the Florida manatee and Green and Loggerhead sea turtles which nest on the Seashore's beaches. The Brown pelican and southern Bald eagle both nest within the Seashore. Arctic peregrine falcon frequent the barrier island on their annual migration.

Indians, explorers, soldiers, citrus growers, canal builders, and astronauts have all visited the Cape Canaveral area, and all have left their mark on the land. The historical themes provide human interest and scale to the natural resource themes. In a survey conducted during 1975-76 by the National Park Service's Southeast Archeological Center, several cultural resources were found to qualify for nomination to the National Register of Historic Places. Four of these were eventually nominated to the National Register.

In accordance with the Act of January 3, 1975, which established the Seashore, the National Park Service administers approximately 30% of the area contained within the boundaries of the park. Nearly 40,000 acres are the responsibility of the National Aeronautics and Space Administration (NASA) which has worked out a cooperative agreement with the U.S. Fish and Wildlife Service to manage the area as the Merritt Island National Wildlife Refuge. The National Park Service manages a small portion of NASA's lands as a part of the Seashore.

H.R. 3559, as passed by the House of Representatives on June 20, 1988, would authorize and direct the Secretary to acquire two parcels of land to be added to Canaveral National Seashore - 25

acres known as Seminole Rest, and a 10-acre site known as Stuckey's. The Stuckey's site would be acquired for the purpose of establishing an administrative headquarters and related facilities. Seminole Rest would be managed to protect and interpret the archeological and historic resources on the property. H.R. 3559 would also increase the park's development ceiling from the present $500,000 to $3.1 million, an increase of $2.6 million. According to the House Committee report, these sums are for developments both within the existing national seashore as well as on the two additional parcels authorized in the bill.

Because it is readily accessible by road and already partially developed, we believed initially that the Seminole Rest site was a good choice for the administrative headquarters development. However, National Park Service archeologists have recently conducted preliminary surveys of this area and tell us that the cultural resource which underlays much of Seminole Rest, a midden or mound containing debris from aboriginal meals as well as artifacts, may be superlative - the best of its kind in the State of Florida. However, further investigation would be necessary to confirm this.

The Stuckey's site would be appropriate for an administrative headquarters in our judgement. The current administrative headquarters is located in a rented building in Titusville at the southern end of the national seashore.

Mr. Chairman, while we cannot take exception with the intent of this bill nor would we disagree with the description of the superlative resources already found within the boundaries of the national seashore, we cannot support additional acquisition authorization with appropriated funds in light of the Federal budget deficit. As we have testified on earlier occasions, it is not fair to raise landowner expectations that the Federal government will soon purchase their private interests and make

payments for such purchases. This will not be the case in light of the existing acquisition backlog. Moreover, we believe that the full range of private, local and state protection options for the resource at Seminole Rest should be explored before committing to any Federal involvement.

H.R. 3559 as passed by the House would also provide for a significant increase in the development ceiling for the national seashore. Because of budgetary constraints, we cannot support this increase at this time; however, we do support that portion - $900,000 - which would permit us to provide adequate, modern sanitary facilities for visitors along the beaches. These are provided for in our FY 1989 budget proposal as well as the park's general management plan.

Mr. Chairman, this concludes my prepared remarks on H.R. 3559. I would be pleased to respond to questions at this time.

Mr. GALVIN. H.R. 4212 amends the joint resolution of April 27, 1962, to permit the Secretary of the Interior to establish the former home of Alexander Hamilton as a national memorial at its present location in New York City. We support enactment of H.R. 4212 if it is amended.

That 1962 joint resolution of the Congress required relocation of the structure, and this legislation would remove that requirement, a measure we strongly support.

The House-passed measure also permits the acquisition of the property on which the Grange is located by donation only. We have no objection to the provision which would allow purchase of personal property with donated or appropriated funds.

Originally, Mr. Chairman, this building had been moved from its original site, and when Congress passed the 1962 legislation, it was thought that the current site was inappropriate. New York City donated a 32-acre tract on what is now the campus of New York University, and the original legislation was enacted on the assumption that the current Hamilton Grange would be moved to that 32-acre site.

Over the years that has proved to be impractical for a whole series of reasons, technical as well as the local community's desire that the structure not be removed. The National Park Service has since abandoned the idea of relocating the Grange and has begun exterior restoration efforts.

The lands on which the Grange now sits are currently being held by the National Park Foundation. This bill would permit us to reimburse the National Park Foundation for administrative costs, and they would donate the site. It is currently estimated that total funding of $1.8 million will be adequate to complete the stabilization and restoration of the Grange.

We recommend that H.R. 4212 be amended to establish the development ceiling at $1.8 million rather than removing the ceiling altogether which the current legislation would do.

[The prepared statement of Mr. Galvin regarding H.R. 4212 follows:]

STATEMENT OF DENIS GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING H.R.4212, A BILL TO AMEND THE JOINT RESOLUTION OF APRIL 27, 1962, TO PERMIT THE SECRETARY OF THE INTERIOR TO ESTABLISH THE HAMILTON GRANGE NATIONAL MEMORIAL IN NEW YORK CITY.

AUGUST 2, 1988

Mr Chairman and Members of the Committee, it is a pleasure to be here today to discuss H.R. 4212, a bill to amend the Joint Resolution of April 27, 1962, to permit the Secretary of the Interior to establish the former home of Alexander Hamilton as a national memorial at its present location in New York City.

Mr. Chairman, we support enactment of H.R. 4212 as passed by the House of Representatives if it is amended as we recommend.

H.R. 4212 as passed by the House establishes the Hamilton Grange National Memorial in the State of New York. An earlier requirement of the 1962 Joint Resolution of the Congress which required relocation of the Grange would be removed by enactment of H.R. 4212, a measure which we strongly support. The House passed measure also permits the acquisition of the property on which the Grange is located by donation only, as we had earlier recommended. We have no objection to the provision which would allow purchase of personal property with donated or appropriated funds.

The man who is the focus of what we discuss here today was both complex and ambitious; combative and controversial. He was described by President John Adams who shared his political persuasions as restless, impatient, artful, and unprincipled. His opponents, such as James Madison, recognized his great intellectual powers. George Washington noted that Hamilton was enterprising, an administrative genius, and of great intuition. We need not dwell on the complexities of the man except to note that his loss of Federalist political power to the Republican

leadership of Jefferson in the Presidential election of 1800 was a bitter experience for Hamilton. In his disappointment, he turned increasingly to private life for his satisfactions - the building of a long-neglected law practice, stronger family relationships, and a home in the country.

In November 1798, Hamilton sought the cooperation of his wife Elizabeth in a "...sweet project..." involving the purchase of land on upper Manhattan Island and the building of the only home the Hamiltons ever owned. Designed by the New York architect John McComb and constructed of materials contributed by his father-in-law, the Federal-style house was completed in 1802 high on a knoll where they could enjoy a majestic view of both the Hudson and Harlem Rivers. To his, and our great misfortune Hamilton died two years later at the hands of Aaron Burr on the same dueling field in Weehawken, New Jersey where his son Philip died two years previous.

The Grange was very important to Hamilton even though he spent far less time there than he wished. He named it in honor of the ancestral seat of his family in Scotland. Following his death his wife Elizabeth remained in residence until it was sold in 1834 when she moved to Washington, D.C. For over half a century the home passed from one owner to another, until 1889 when it was donated to St. Luke's Episcopal Church. The Church moved the building 2 blocks southeast to its present location adjacent to the Church. In so doing, the Grange was turned around and the front and side porches removed. In 1924, the Grange was acquired by the American Scenic and Historic Preservation Society, America's oldest historic society once headed by Alexander Hamilton III, Hamilton's great grandson who died in 1976. The building was donated to the National Park Service in May 1964 for its preservation and interpretation.

A Joint Resolution by Congress in 1962 authorized the establishment of the national memorial. The city of New York,

prior to passage of the joint resolution, donated lands to the National Park Service in the vicinity of what is now New York University with an eye toward recreating the 32-acre estate Hamilton had owned and upon which he had constructed the Grange. However, due to the local community's desire that the structure not be moved from its present location and the logistical problems of dismantling and relocating the structure, the National Park Service has since abandoned the idea of relocating the Grange and began exterior restoration efforts in 1979. The lands donated by the city of New York were subsequently returned by the National Park Service.

The lands upon which the Grange now sits are suitable and are currently being held by the National Park Foundation. We understand that the Foundation is willing to donate the property to the Federal Government if it can be reimbursed for the administrative costs it incurred in acquiring the property for the National Park Service. These costs are approximately $5,000. In addition, we estimate that additional administrative expenses, such as for legal work, would accompany the donation. For these reasons, the House passed bill authorizes the Service to reimburse the Foundation for its actual expenses in making the donation.

Interior stabilization of the Grange began in 1983; however, the task which lays before us cannot be accomplished without officially establishing the national memorial in its present location and legislating an increase in the development ceiling which was last adjusted in 1980 to $960,000. It is currently estimated that total funding of $1.8 million will be adequate to complete the stabilization and restoration of the Grange. We recommend that H.R. 4212 be amended to establish the development ceiling at $1.8 million rather than removing the ceiling altogether. We would expect to complete the project within existing funds.

Mr. Chairman, this concludes my prepared testimony on H.R. 4212. I would be delighted to respond to any questions you or other Members of the Committee may have at this time.

Mr. GALVIN. H.R. 4315 is a bill to provide for the inclusion of certain lands within the John Muir National Historic Site. We recommend against enactment of H.R. 4315 unless it is amended to authorize only a donation of the city-owned property.

H.R. 4315 provides for the addition of 330 acres of land to the existing 8.9-acre John Muir National Historic Site. It would also provide authority to enter into cooperative agreements with the East Bay Regional Park District for the operation and maintenance of trails on lands within the national historic site.

The proposed addition consists of a tract of 326.52 acres of private land, including John Muir's grave site and historic orchard, and 3.31 acres of land that would be donated by the City of Martinez, currently publicly held.

The undeveloped tract owned by the City of Martinez would be developed to accommodate overflow parking during heavy visitation periods in accordance with the General Management Plan for the site.

The other two tracts are privately owned, and they were at one time part of the Strentzel-Muir ranch. Muir referred to the area as Mount Wanda after his oldest daughter. Good stands of old oaks exist on this elevated site which has excellent views of the surrounding region. Currently, the tract zoning permits low-density residential use.

But the historic scene has already been impacted significantly by an existing freeway between the house and the site to be added. Therefore, the addition of this property to the historic site is unnecessary to protect the historic scene.

The provision with respect to the East Bay Regional Park District is to allow them to complete a network of trails in the area by constructing trails through the additional tract.

We recommend that H.R. 4315 be amended to authorize the Secretary to accept only the 3.31 acres of land from the City of Martinez. We believe that the preservation of the historic scene, such as remains, can be accomplished through a cooperative effort with the City of Martinez and would not require Federal purchase of nearby properties. The development and the maintenance of the network of trails outside the historic site is not a top priority for the National Park Service. The land acquisition for this network of trails should be assumed by the East Bay Regional Park District and the State.

We estimate the cost of acquiring the two private tracts of land would be approximately $2.75 million.

[The prepared statement of Mr. Galvin regarding H.R. 4315 follows:]

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, CONCERNING H.R. 4315, A BILL TO PROVIDE FOR THE INCLUSION OF CERTAIN LANDS WITHIN THE JOHN MUIR NATIONAL HISTORIC SITE.

AUGUST 2, 1988

Mr. Chairman, it is a pleasure to be here today to discuss H.R. 4315, a bill to provide for the inclusion of certain lands within the John Muir National Historic Site.

We recommend against enactment of H.R. 4315 unless it is amended to authorize only a donation of the City-owned property.

As passed by the House of Representatives on July 11 of this year, H.R. 4315 would provide for the addition of approximately 330.83 acres of land to the existing 8.9-acre John Muir National Historic Site and would provide authority to enter into a cooperative agreement with the East Bay Regional Park District for the operation and maintenance of trails on lands within the National Historic Site. The proposed addition consists of approximately 326.52 acres of private land, including John Muir's gravesite and historic orchard, and 3.31 acres of land that would be donated by the City of Martinez. The 3.31 acres owned by the City of Martinez is level land adjacent to State Highway 4. The main line of the Santa Fe Railroad divides the city property from the private land further up the hillside.

The existing John Muir National Historic Site consists of 8.9 acres. The estimated budget available for fiscal year 1988 is $229,100 with an estimated fee distribution totaling $16,900 for a total estimated budget for fiscal 1988 of $246,000. Visitation during 1987 was estimated at 37,000.

Established in 1964, the site includes the large Victorian home occupied by Muir and his family for the last 24 years of his life and in which Muir composed many of his writings. The nearby Martinez Adobe, the oldest building on the site, represents early Spanish influence and was occupied by Muir's oldest daughter, Wanda, and her family for a time during his later years. A contemporary visitor center and administration building adjoins the parking area at the east end of the site.

The proposed boundary adjustment includes three tracts. One is a small, undeveloped tract owned by the City of Martinez located adjacent to Highway 4. This tract is level and could be developed to accommodate overflow parking during heavy visitation periods. An attended fee-collection kiosk would be needed at the rear entrance to the historic site during heavy visitation times to accommodate this new traffic pattern. Further, we might want to consider installing an interpretive wayside in this area to provide visitors with some initial information about the site. The City tract is out of view of the John Muir home and its development would have no impact on the site. The City of Martinez has indicated its intention to donate its property to the National Park Service.

The other two tracts are privately owned and consist of rolling oak woodland and grassland hills to the south of the John Muir home. They were at one time part of the Strentzel-Muir Ranch. Muir and his daughters used to walk up to the top of the hills in the evenings. He referred to the area as Mount Wanda after his oldest daughter. Good stands of old oaks are on the property which has excellent views of the surrounding region. However, no known inherently significant natural or cultural resources are present. The private land is currently being grazed. The tracts' zoning permits low density residential use. Development

of the property could be visible from the John Muir home, but the historic scene has already been impacted significantly by the existing freeway between the house and Mount Wanda. Therefore, the addition of this property to the historic site is unnecessary to protect the historic scene. Finally, the third privately owned tract contains the gravesite of John Muir and an historic orchard.

We understand that the East Bay Regional Park District, which manages a network of trails within the two-county District area, does have an interest in the area and proposes to route a major trail segment across the proposed boundary expansion. The trail would follow the route of an existing ranch road and would connect with trail alignments on either side of the property.

We therefore recommend that H.R. 4315 be amended to authorize the Secretary to accept only the 3.31 acres of land from the City of Martinez. The two primary planning issues identified in the General Management Plan for the site are the preservation of the historic scene and providing adequate on-site parking. We believe that the preservation of the historic scene, such as remains, can be accomplished through a cooperative effort with the City of Martinez and would not require Federal purchase of nearby property. Adequate on-site parking would be accomplished by accepting the donation of the 3.31 acres from the City of Martinez.

However, while the development and maintenance of the network of trails outside the historic site, part of which would cross the privately owned tracts, is a laudable goal, it is not a top priority for the National Park Service. The land acquisition for the network of trails should, therefore, be assumed by East Bay Regional Park District and the State. We estimate the cost of

acquiring the two private tracts of land would be approximately $2.75 million. We have no cost estimate for acquisition of the Muir gravesite and historic orchard. Because of the existing Federal deficit and the land acquisition backlog of the National Park Service, we believe it is unfair to hold out an expectation to landowners that their property will be acquired expeditiously through the use of Federal dollars.

That concludes my prepared statement, Mr. Chairman. I would be happy to respond to any questions you or other Members of the Committee may have.

Mr. GALVIN. S. 1290 is a bill to direct the Secretary of the Interior to acquire lands to be added to the Andrew Johnson National Historic Site for inclusion within the national cemetery located at that site. We strongly oppose enactment of S. 1290.

It would direct the Secretary of the Interior to accept a donation of approximately 1.2 acres of land contiguous to the Andrew Johnson National Historic Site in Greenville, Tennessee.

S. 1290 responds to the proposal of the Marine Corps League and the Veterans of Foreign Wars of Greenville who have collectively purchased the property in question and intend to donate it to the National Park Service.

Mr. Chairman, Andrew Johnson National Historic Site consists of four properties in the City of Greenville, all of which were once owned by the 17th President of the United States. It includes the cemetery where he was buried in 1875. In 1906 the cemetery was left to the United States in the will of the former President's daughter.

The place where Johnson was buried has been recognized as an integral part of the Nation's commemoration of our 17th President, and the existing cemetery is an integral part of the historic resource. It is, therefore, not appropriate to expand the area to accommodate additional contemporary grave sites.

The cemetery will be filled in six to seven years at the current burial rate. The Veterans Administration cemetery located 25 miles north of Greenville at Johnson City should be utilized for future burials.

[The prepared statement of Mr. Galvin regarding S. 1290 follows:]

STATEMENT OF DENIS GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES ON S. 1290, A BILL TO DIRECT THE SECRETARY OF THE INTERIOR TO ACQUIRE LANDS TO BE ADDED TO THE ANDREW JOHNSON NATIONAL HISTORIC SITE FOR INCLUSION WITHIN THE NATIONAL CEMETERY LOCATED AT THAT SITE.

AUGUST 2, 1988

Mr. Chairman and Members of the Committee, it is a pleasure to appear before you today to discuss S. 1290, a bill to direct the Secretary of the Interior to acquire lands adjacent to the Andrew Johnson National Historic Site in Tennessee for inclusion with the national cemetery that is a part of that site. Acquisition would be accomplished by donation only.

We strongly oppose enactment of S. 1290.

S. 1290, if enacted, would direct the Secretary of the Interior to accept a donation of approximately 1.2 acres of land contiguous to the Andrew Johnson National Historic Site in Greenville, Tennessee for addition to that site, the purpose of which would be to enlarge the national cemetery to provide additional burial space.

S. 1290 responds to the proposal of the Marine Corps League and the Veterans of Foreign Wars of Greenville who have collectively purchased the property in question and intend to donate it to the National Park Service. While we respect the spirit that motivated these organizations, the addition of this land to the site for new burials would violate our responsibility to protect the historic resource.

Mr. Chairman, Andrew Johnson National Historic Site consists of four properties in the city of Greenville which were once owned by the 17th President of the United States. These include his

tailor shop, two residences, and the cemetery where he was buried in 1875. In 1906 the cemetery was left to the United States in the will of the former President's daughter, Martha Johnson Patterson. In 1942, by Presidential proclamation, the Andrew Johnson National Monument was designated, later to be redesignated in 1963 as a national historic site.

The place where Johnson was buried has been recognized on these occasions as an integral part of the Nation's commemoration of our 17th President. The cemetery is an integral part of the historic resource. It is, therefore, not appropriate to expand the area to accommodate additional contemporary gravesites unrelated to President Johnson or the purposes for which the land was left to the United States by his daughter.

It is currently estimated that the cemetery will be filled in 6 to 7 years at the current burial rate of 36 per year. All current gravesite reservations will be honored. There is a Veterans Administration cemetery located 25 miles north of Greenville at Johnson City, Tennessee which should be utilized for future burials. Units of the National Park System must not be utilized for this purpose simply due to convenience. To do so here would alter the purpose of this significant historic resource.

Mr. Chairman, this concludes my prepared statement on S. 1290. I would be pleased to respond to questions as you desire.

Mr. GALVIN. Finally, Mr. Chairman, there is S. 2565 concerning Antietam National Battlefield. We recommend the enactment of S. 2565.

It would amend original acts authorizing the purchase of land within the battlefield by striking out language that limits authority to acquire lands in fee by purchase to 600 acres. The bill would also amend the National Parks and Recreation Act of 1978 which expanded the battlefield boundary to 3,246 acres by striking out language that restricts acquisition within the boundary only to scenic easements.

So, this bill would essentially give the National Park Service authority within the existing boundary. It does not propose an expansion of the battlefield. But at the present time legislation limits the interests that the National Park Service can purchase within that boundary to easements. In this sense, we intend to limit our use of this authority to purchase from willing sellers.

In this case we have a situation where the protection of the battlefield lands requires some additional purchase of lands in fee. We have willing sellers, but the existing limitations in legislation do not allow us to purchase those lands.

There are several significant areas of battle engagement integral to the battlefield which remain in private ownership and may, we believe, ultimately be acquired in fee. These areas include the Cornfield, the Westwoods, the Northwoods, the Eastwoods, and the Roulette Farm. S. 2565 would give the National Park Service needed flexibility to negotiate with landowners within the boundary.

Senator FORD. There are no south woods? [Laughter.]

Mr. GALVIN. There are no south woods although I have the superintendent of Antietam here with me.

Senator FORD. There ain't no north and there ain't no south. They used to call Montreal "Montre you all."

Mr. GALVIN. Well, this battle was a draw. [Laughter.]

Senator FORD. As I recall, yes.

Mr. GALVIN. We do not at this time have an estimate of what, if any, additional costs will be associated with purchasing more land in fee instead of requiring additional easement interests.

That concludes my prepared testimony, Mr. Chairman. I would be pleased to respond to any questions.

[The prepared statement of Mr. Galvin regarding S. 2565 follows:]

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 2565, A BILL TO REMOVE CERTAIN RESTRICTIONS ON LAND ACQUISITION FOR ANTIETAM NATIONAL BATTLEFIELD.

AUGUST 2, 1988

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on S. 2565.

We recommend the enactment of S. 2565. Legislation along the lines of S. 2565 is most desirable to protect the integrity of the battleground at Antietam - a National historical area considered to be the least developed of all those Civil War battlefield sites administered by the National Park Service.

S. 2565 would amend the Act of April 22, 1960, which authorized the purchase of land within the Battlefield, by striking out language that limits authority to acquire lands in fee by purchase to 600 acres. The bill would also amend the National Parks and Recreation Act of 1978, which expanded the Battlefield boundary to 3,246 acres, by striking out language that restricts acquisition within the boundary only to scenic easements.

The effect of S. 2565 would be to provide the National Park Service with one more tool--purchase in fee simple--with which to protect land <u>within the existing boundary</u> of the Battlefield. This ability to purchase lands in fee is similar to the authority available in most other parks. Moreover, we intend to limit our use of this authority to purchase from willing sellers.

We wish to make it clear that the bill does not expand the existing statutory boundary, nor do we believe a boundary expansion is

necessary. Rather, protection of lands within the boundaries of Antietam, including fee purchase where appropriate, is the top priority of the National Park Service; and is consistent with our policy of protecting existing areas of the park system before we seek additional sites.

The Battle of Antietam took place within an area which historians estimate to have been about 8,000 acres. The Antietam National Battlefield boundary itself contains only 3,246.44 acres, of which 815.54 acres is owned by the Federal government. Hence, the Service owns only about one tenth of the original battlefield. The area within the Battlefield's legislative boundary includes those areas which played the most significant part in the day's conflict. However, even within that boundary, the Service is limited by legislation to the purchase of only 600 acres in fee. Other key areas within the existing boundary of the Battlefield must be protected by the receipt of donated properties and interests in properties, or the purchase of scenic easements. We have 1,274 acres in scenic easements.

At the time of the battle, aside from the rural community of Sharpsburg, the area was agricultural or forested. The 1960 legislation that authorized land acquisition and agreements "to preserve, protect, and improve" the Battlefield, had as its fundamental purpose the maintenance of the site "in, or its restoration to, substantially the condition in which it was at the time of the battle of Antietam." The legislative restrictions which limit fee ownership of lands in the park, however, do not authorize the Park Service to acquire the necessary lands critical to protecting the historic and visual quality of the Battlefield. Times have changed since acquisition was limited to easements, since development pressures are growing closer to the battlefield each year.

Antietam National Battlefield was established on August 30, 1890. On May 14, 1940, legislation was passed which gave the Secretary of the Interior authority to accept donated lands or to purchase land with donated funds.

On April 22, 1960, an Act was passed that set an 1,800-acre ceiling for the park. The Act provided that 600 acres of these lands could be acquired in fee by purchase. Purchase in fee to the limit of 600 acres, authorized by this Act, was completed in 1974. In 1978, the boundary was expanded to 3,246.44 acres, but only scenic easement acquisitions were allowed under that legislation. Currently, the park contains 815.54 acres in fee and 1,274.35 acres in scenic easement which have been acquired through purchase, donation, and transfer. .

Since 1974, the Service has been unable to purchase fee title to any land because of the legislative ceiling of 600 acres. Currently, there are several significant areas of battle engagement integral to the Battlefield which remain in private ownership, and may, we believe, ultimately be acquired in fee. These areas include the Cornfield, the Westwoods, the Northwoods, the Eastwoods, and the Roulette Farm. S. 2565 would give the Park Service needed flexibility to negotiate with landowners within the boundary.

Mr. Chairman, our experience with scenic easements at Antietam has not been entirely satisfactory in terms of resource protection or the interests of landowners. Prior to 1979 several easements were acquired with relatively imprecise restrictions on how the land could be used. These easements were designed to reduce acquisition costs, but they did not clearly prohibit subdivisions, additional residential development, and other changes in land use that would conflict with our objectives of restoring and interpreting the historic scene of the battle.

A land protection plan for Antietam approved in 1983 recognized the need to acquire stronger easements to assure adequate protection of the battlefield. This plan was based on the existing constraints on purchasing additional land in fee. However, in many cases at Antietam it may be more cost-effective to acquire property in fee than to acquire the additional easements that are needed to protect the resource.

Authority to acquire additional lands in fee would give us the option of allowing owners to reserve certain rights of use and occupancy for a fixed term, or we can lease fee-owned lands for agricultural purposes that are consistent with the historic scene of the battle.

We do not at this time have an estimate of what, if any, additional costs will be associated with purchasing more land in fee instead of acquiring additional easement interests. We are confident that this additional authority will help us do a better job of carrying out purposes of the park and cooperating with landowners.

There is no statutory ceiling on appropriations for land acquisition at Antietam, and future acquisitions will be funded from amounts made available in annual budgets. However, owing to the Federal budget deficit and the backlog in unfunded park land acquisition, we can make no commitment as to when funds would be requested for additional fee or easement acquisition.

This concludes my prepared testimony. I would be pleased to respond to any questions.

Senator FORD. Mr. Galvin, it is obvious I have no questions for you. I think you have done an excellent job of setting out your position. With a few exceptions, if some of the bills are corrected in limiting the amount of money spent and some other things, or like the 3.1 acres that you would accept, I think that most of the bills could be approved and approved readily. You would have the approval of the administration as it relates to these bills.

Mr. GALVIN. We will look at the amendments to H.R. 2530 as proposed by Senator Durenberger.

Senator FORD. If you would do that, I would appreciate it because it would accommodate the Senator who testified this morning.

Senator Conrad also has asked that I state that he will have some written questions that he would like to have answers to as it relates to H.R. 2530. So, there is some other interest in that particular legislation.

Of course, I'm on the Ohio River, and that flows into the Mississippi, and we are not flowing much into the Mississippi right now because our barge lines are hung up. Do you have anything to do with getting the water out of the Great Lakes? [Laughter.]

Mr. GALVIN. No, Mr. Chairman.

Senator FORD. It would help a lot if we could do that. [Laughter.]

You are mighty nice, Mr. Galvin, to be here this morning, and I appreciate the attendance of the others and particularly the manager of the Antietam National Battlefield. We are sure that he would want to listen to your eloquence this morning, and we are glad that he is here.

So, without further ado, I will recess this committee subject to the call of the Chairman and expect you to answer the questions that might be raised by Senator Conrad and other Senators.

Mr. GALVIN. Thank you, Mr. Chairman.

Senator FORD. Thank you all very much.

[Whereupon, at 10:05 a.m., the subcommittee was recessed subject to the call of the Chair.]

APPENDIX

Additional Material Submitted for the Record

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, DC 20310-0103

2 AUG 1988

Honorable J. Bennett Johnston
Chairman
Committee on Energy and
Natural Resources
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

In conjunction with its August 2, 1988, hearing the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, informally requested our views on a bill, H.R. 2530, passed by the House of Representatives, to establish the Mississippi National River and Recreation Area.

Because of potential serious effects of the proposal on programs of the Army Corps of Engineers, we object to the bill and wish to submit the enclosed statement and have it entered into the record of the hearing.

Sincerely,

Robert W. Page
Assistant Secretary of the Army
(Civil Works)

Enclosure

STATEMENT BY
ROBERT W. PAGE
ASSISTANT SECRETARY OF THE ARMY
(CIVIL WORKS)
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS & FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

Mr. Chairman, members of the Subcommittee. I am submitting this testimony for the record, because the Department of the Army strongly objects to provisions of H.R. 2530, the bill passed by the House of Representatives to establish a Mississippi National River and Recreation Area. The bill as written would seriously affect the Secretary of the Army's abilities to maintain navigation, provide appropriate flood control, and implement the regulatory responsibilities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

Section 4(b) of the bill requires that the Secretary of Interior must find that a Federal agency activity, including an activity requiring a Federal permit, is compatible with the plan for the area prior to initiation of the activity, unless it is essential for the protection of public health or safety or is necessary for national security or defense. It further provides that water resources projects of the

Army Corps of Engineers should be undertaken in accordance with plans that are mutually acceptable to the Secretaries of Interior and Army.

The Administration strongly objects to many features of the bill. As far as the effects on the Army Civil Works program go, Army objects strongly to Section 4(b). This section would create another layer of overlapping and duplicative decision making.

All Federal agencies are required to comply with the same extensive set of Federal laws which address the objectives of the proposed plan. The necessity of the Secretary of Interior's "finding of compatibility" on the action of any other Federal agency would run counter to the principles of good government. With respect to Army Corps of Engineers programs, the "finding of compatibility" by the Secretary of the Interior on individual permit decisions would seriously overlap, duplicate, and delay Corps regulatory functions by adding another layer of review to a regulatory process that already can be complex and burdensome. Appropriate controls on development activities in the metropolitan river corridor already exist in the form of concurrent State and Federal review of permit applications. Controls on development activities also exist in those

communities that are participating in the National Flood Insurance program, where they are required to adopt and enforce land use control measures within the 100-year flood plain. In our judgement, the creation of an additional regulatory review and approval program under the Secretary of the Interior would be redundant, unnecessary, and burdensome from Federal, state and local perspectives. We strongly oppose any legislation that would constitute a diminution of, or be an impediment to the Corps long standing authority to regulate any activity that could adversely affect the navigable capacity of waters of the United States.

The bill also would lead to a reduction in our ability to perform operation, maintenance, and emergency activities of the Army Corps of Engineers and would lead to additional and duplicative coordination necessary to undertake those activities. The constraints on our actions and the inability to act in a timely manner could significantly increase environmental and economic losses to the public and increase costs to the Government. Delays in emergency response may result in unacceptable risks to life and property.

This legislation would impact directly upon four locks and dams and approximately 40 miles of the 9-foot Mississippi River channel between Hastings and Minneapolis, Minnesota. The bill could significantly affect our ability to maintain and perform emergency repairs to the navigation structures and channel. Operation activities that could be affected include maintenance dredging and disposal of dredged material, pool regulation, lock operation, and lockage priority.

The bill also could impact Army Corps of Engineers flood emergency activities authorized under P.L. 84-99, as amended. The Corps conducts emergency flood fight activities to protect life and property in response to a request from a state, city or county. These activities include the provision of advance flood damage reduction measures, flood fighting and rescue efforts, and the emergency repair or restoration of damaged or destroyed flood control works.

In summary, I sincerely believe that existing Army authorities for Federal projects and for permit activities involve the same substantive review and decision making requirements of the proposed legislation. This includes compliance with the National Environmental Policy Act, the

Fish and Wildlife Coordination Act, the Clean Water Act, and a host of other review and coordination laws and requirements. H.R. 2530, in its present form, would produce many unnecessary conflicts due to duplicative decision responsibility and therefore, we strongly oppose its enactment.

STATEMENT OF SENATOR PETE WILSON
SENATE ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
AUGUST 2, 1988

MR. CHAIRMAN, THANK YOU FOR GIVING ME THE OPPORTUNITY TODAY TO EXPRESS MY VIEWS ABOUT A LEGENDARY CONSERVATIONIST AND A BILL WHICH WILL EXTEND THE BOUNDARIES OF AN EXISTING NATIONAL HISTORIC SITE HONORING THIS MAN.

JOHN MUIR WAS AN EXCEPTIONAL MAN WHOSE DEDICATION TO PRESERVING THE ENVIRONMENT SPEARHEADED A CONSERVATION MOVEMENT THAT CONTINUES TO GROW EVEN TODAY. HE CRUSADED ACROSS THE UNITED STATES ON BEHALF OF THE ESTABLISHMENT OF NATIONAL PARKS AND FOREST RESERVATIONS. MUIR'S SINGLE GREATEST ACHIEVEMENT, AND ONE FOR WHICH I HAVE THE GREATEST APPRECIATION, IS THE CAMPAIGN HE INITIATED AND LED TO ESTABLISH THE YOSEMITE NATIONAL PARK IN CALIFORNIA. THIS PARK IS A NATIONAL TREASURE WHICH CALIFORNIANS AND OUT OF STATE VISITORS HAVE HAD THE PLEASURE OF VISITING FOR NEARLY 100 YEARS.

IN 1964, CONGRESS ESTABLISHED THE JOHN MUIR NATIONAL HISTORIC SITE IN RECOGNITION OF HIS CONSERVATION EFFORTS. TODAY, THIS AREA -- LOCATED NEAR MARTINEZ, CALIFORNIA IN THE SAN FRANCISCO BAY AREA -- COMPRISES THE HOME OF JOHN MUIR FROM 1890 TO HIS DEATH IN 1914 AND A SMALL PORTION OF THE MUIR RANCH.

I URGE THE COMMITTEE TO SUPPORT H.R. 4315. THIS BILL WOULD AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACQUIRE A 330-ACRE EXPANSION OF THE JOHN MUIR NATIONAL HISTORIC SITE, 3.3 ACRES OF WHICH THE CITY OF MARTINEZ HAS ALREADY AGREED TO DONATE FOR PARKING FACILITIES TO ACCOMODATE THE MANY VISITORS. ANOTHER 1.3 ACRES ARE TO BE OBTAINED BY THE SECRETARY THROUGH ACQUISITION OF AN EASEMENT FOR THE PURPOSE OF ADDING THE JOHN MUIR GRAVE SITE TO THE HISTORIC SITE. THE REMAINING ACRES OF UNDEVELOPED AGRICULTURAL LAND WOULD REQUIRE AN ESTIMATED $2.75 MILLION IN FEDERAL LAND ACQUISITION FUNDS.

THIS AUTHORIZATION IS AN IMPORTANT ONE. NOT ONLY WILL THE PRESERVED LAND ALLOW THE CONSTRUCTION OF A TRAIL TO CONNECT EXISTING TRAILS IN THE REGION SO AS TO PROVIDE HIKERS WITH A PANORAMIC VIEW OF THE SACRAMENTO RIVER AND THE CARQUINEZ STRAITS THAT MUIR HIMSELF ENJOYED, BUT IT WOULD ADD TO THE PUBLIC'S UNDERSTANDING AND APPRECIATION FOR JOHN MUIR AND HIS FONDNESS FOR NATURE.

THE CITY OF MARTINEZ, CONTRA COSTA COUNTY, AND LANDOWNERS BORDERING THE EXPANDED SITE ALL SUPPORT THE PROPOSED EXPANSION. THE PRESENT LANDOWNERS OF THE 330 ACRES APPEAR

WILLING TO SELL THE LAND IN ORDER TO SAVE IT FROM COMMERIAL DEVELOPMENT INTERESTS.

I HOPE THAT THE COMMITTEE WILL FAVORABLY ACT ON THIS BILL AND BRING IT BEFORE THE FULL SENATE BEFORE WE ADJOURN THIS YEAR.

THANK YOU.

Albert Gore Jr.

STATEMENT OF SENATOR ALBERT GORE, JR.

before the
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, National Parks and Forests

August 2, 1988

Mr. Chairman, I would like to express my strong support for this legislation before you today, and I would like to commend my good friend and the senior Senator from Tennessee, Senator Sasser, for his sponsorship of this bill.

The bill before you today for consideration will direct the Secretary of Interior to acquire certain real property adjacent to the Andrew Johnson National Historic Site in Greeneville, Tennessee. Once acquired, the 1.2 acres of land will be used to expand the National Cemetary located within the site.

Presently, there are less than 250 gravesites in the cemetary. If additional land is not acquired to augment this number, park authorities estimate that the cemetary will be filled in just six to eight years.

This legislation will direct the Secretary of the Interior to acquire and administer 1.2 acres of land, which the local Marine Corps League and Veterans of Foreign Wars have graciously offered to donate to the federal government for inclusion in the cemetary. This offering will add 500 gravesites to the cemetary ensuring adequate burial space for veterans in East Tennessee for the next several decades.

As land available for gravesites is becoming increasingly scarce, it appears that this problem will continue to grow. This donation of land is an ideal opportunity for Congress to take action that addresses this issue in East Tennessee without burdening the taxpayers.

The Marine Corps League and the VFW have demonstrated great devotion to the veterans in East Tennessee by making the acquisition of additional land to the Andrew Johnson Memorial Site possible. I urge my distinguished colleagues on this Subcommittee to act in this same spirit and give expeditious and favorable consideration to this important bill.

STATEMENT OF SENATOR JIM SASSER ON S. 1290, A BILL TO DIRECT THE SECRETARY OF THE INTERIOR TO ACQUIRE CERTAIN REAL PROPERTY ADJACENT TO THE ANDREW JOHNSON NATIONAL HISTORIC SITE IN GREENEVILLE, TENNESSEE, FOR INCLUSION WITHIN THE NATIONAL CEMETERY LOCATED IN THAT SITE

MR. CHAIRMAN, I thank you for considering S. 1290, during today's hearing. As you know, S. 1290, which would direct the Secretary of the Interior to acquire and administer 1.2 acres adjacent to the Andrew Johnson National Historic Site in Greeneville, Greene County, Tennessee. The land would be used to expand the National Cemetery located within the National Historic Site. Senator Gore and I sponsored this bill in hopes of accomplishing this much needed expansion by directing the Secretary of the Interior to accept this generous donation of land.

MR. CHAIRMAN, this legislation is necessary because, when we introduced S. 1290 on May 28, 1987, there were only about 250 grave sites left in the cemetery. Today, there are 238 grave sites left. If nothing is done to expand the grave area, the cemetery will be filled within the next five to six years.

Our bill would give the cemetery enough land for 500 new grave sites and will guarantee adequate burial room for the next several decades. The land would be donated to the United States Government, and it is to be administered as part of the Andrew Johnson National Historic Site.

The land to be used to expand the cemetery was purchased by the Marine Corps League in Greeneville in cooperation with the Veterans of Foreign Wars (VFW). The land would be donated free of charge to the U.S. Government.

MR. CHAIRMAN, it is my belief that the addition of these lands for the purpose of expanding the burial grouds will in no way detract from or endanger the Andrew Johnson National Historic Site. I urge the Subcommittee to act expeditiously and favorably on S. 1290, which would allow all eligible veterans in the Andrew Johnson Cemetery vicinity to have an appropriate and dignified final resting place.

STATEMENT OF

SENATOR PAUL S. SARBANES

BEFORE THE

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

ON S. 2565

TO REMOVE CERTAIN RESTRICTIONS ON LAND ACQUISITION FOR ANTIETAM NATIONAL BATTLEFIELD

AUGUST 2, 1988

Mr. Chairman. I want to thank you for holding this hearing today and look forward to working with you on this legislation.

As we all know, the Civil War shaped the course of American history. Preserving the battlefields of this historical watershed is of great importance not only to historians, but also to the education of our children and grandchildren.

Antietam National Battlefield, in Sharpsburg, Maryland, the site of the bloodiest day of the Civil War, is one of the few Civil War battlefields virtually untouched since the War. The preservation of this battlefield, however, is endangered by increasing pressure to develop farmland. Indeed, one of the most significant battlefield sites at Antietam -- the cornfield where more than half of the casualties occurred -- is totally unprotected from development.

On June 23, 1988, I introduced legislation which would enable the National Park Service to acquire land from voluntary sellers or donors within Antietam's boundaries. Congresswoman Beverly Byron, within whose district Antietam lies, has worked on this issue for some time and is the sponsor of legislation in the House. I understand that the House Subcommittee on National Parks and Public Lands will hold a hearing later this week on the House bill.

Currently, the Park Service is allowed to purchase outright only 600 acres. There are, however, 1200 acres of unprotected battlefield land. Although the Service is permitted to acquire scenic easements from landowners within Antietam boundaries, this power is not sufficient to preserve the area.

Many landowners do not wish to sell scenic easements because such easements may decrease the market value of their land. Further, the acquisition of a scenic easement does not give the Park Service authority to conduct necessary preservation activities on the land. In order to give the Park Service maximum flexibility in acting to preserve this national landmark, we must allow the Service to acquire fee simple title to lands within park boundaries when they feel it is required to preserve the character of the site. That is the essence of my bill.

STATEMENT

HONORABLE BEVERLY BYRON

MEMBER OF CONGRESS

6TH DISTRICT, MARYLAND

AUGUST 2, 1988

S.2565

SENATE SUBCOMMITTEE ON PUBLIC LANDS,

NATIONAL PARKS AND FORESTS

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

DIRKSEN 366

MR. CHAIRMAN, I WOULD LIKE TO THANK YOU FOR HOLDING THIS HEARING THIS MORNING ON A MATTER THAT IS OF GREAT CONCERN TO ME AND THE SIXTH DISTRICT OF MARYLAND.

THE CIVIL WAR REPRESENTS AN INTEGRAL PART OF AMERICAN HISTORY. YET PRESERVING SOME OF THE FIELDS UPON WHICH SO MANY LIVES WERE LOST HAS BECOME A MODERN DAY BATTLE IN ITSELF. ANTIETAM BATTLEFIELD, IN MARYLAND'S SIXTH CONGRESSIONAL DISTRICT, IS PERHAPS THE BEST PRESERVED OF THE REMAINING BATTLEFIELDS. KEEPING THE GROUNDS WITHIN ANTIETAM'S BOUNDARIES IN TACT, FOR PRESENT AND FUTURE GENERATIONS TO ENJOY, SHOULD BE A NATIONAL PRIORITY.

S. 2565, AND ITS HOUSE COMPANION H.R. 4554, WOULD ENABLE ANTIETAM BATTLEFIELD TO ACQUIRE ADDITIONAL FEE SIMPLE ACREAGE WITHIN ITS AUTHORIZED BOUNDARIES. UNDER CURRENT LAW, THE BATTLEFIELD IS ONLY ABLE TO OWN UP TO 600 ACRES OUTRIGHT. THE REMAINING ACRES WITHIN THE PARK WERE TO BE PROTECTED UNDER SCENIC EASEMENTS TO BE PURCHASED FROM PRIVATE LAND OWNERS, HOWEVER, 1,150 ACRES REMAIN COMPLETELY UNPROTECTED.

WHILE A LOGICAL MEANS TO PRESERVE PARKLANDS AND MAINTAIN PRIVATE OWNERSHIP, SCENIC EASEMENTS DO NOT ALWAYS SERVE THE INTERESTS OF EITHER THE LAND OWNERS OR THE PARK. IN CERTAIN CASES, OWNERS HAVE BEEN WILLING TO SELL THEIR LAND OUTRIGHT, BUT UNWILLING TO SELL SCENIC EASEMENTS, FEARFUL THAT THE OVERALL VALUE OF THEIR PROPERTY WILL BE DIMINISHED. FURTHERMORE, SCENIC EASEMENTS DO NOT ALLOW THE PARK TO FOLLOW THROUGH ON CERTAIN PRESERVATION PROJECTS, SUCH AS THE RESTORATION OF WOODLANDS.

INITIATION OF THESE PROJECTS REQUIRES THAT THE PARK SERVICE OWN THE LAND.

SOME OF THE UNPROTECTED LANDS AT ANTIETAM ARE OF GREAT HISTORICAL SIGNIFICANCE, FOR INSTANCE, THE "CORNFIELD" WHERE PERHAPS THE GREATEST CASUALTIES OF THE BATTLE OCCURRED. SHOULD THESE LANDS BE OFFERED UP FOR SALE BY LAND OWNERS OR EVEN OFFERED FOR DONATION, THE BATTLEFIELD UNDER CURRENT LAW WOULD BE UNABLE TO ACQUIRE THEM.

CONCERN FOR ANTIETAM'S PRESERVATION BECAME THE SUBJECT OF LENGTHY DISCUSSION DURING MEETINGS HELD BY THE SOUTH WASHINGTON COUNTY CITIZEN'S ADVISORY GROUP, FORMED TO ADDRESS ZONING AROUND THE BATTLEFIELD. IT WAS A SURPRISE TO MANY OF THE CITIZENS IN THIS GROUP THAT SO MANY ACRES WITHIN THE BATTLEFIELD WERE UNPROTECTED. THE GROUP CONCLUDED THAT FEDERAL LEGISLATION AND COMMITMENT TO PRESERVATION WAS A NECESSARY PART OF LOCAL EFFORTS TO PROTECT AREAS OUTSIDE THE BATTLEFIELD BOUNDARY FROM DEVELOPMENT.

S.2565 WOULD SIMPLY ALLOW THE BATTLEFIELD TO ACQUIRE OUTRIGHT, FROM WILLING SELLERS AND DONORS, ADDITIONAL LANDS WITHIN PARK BOUNDARIES THAT PARK OFFICIALS DEEM NECESSARY TO PRESERVE THE PARK'S INTEGRITY. THE BILL WILL NOT EXPAND THE PARK BOUNDARIES. RATHER, IT WILL GIVE THE PARK SERVICE THE MEANS TO BETTER FULFILL ANTIETAM'S MISSION.

THANK YOU.

Richard Shelby

SENATOR RICHARD SHELBY'S TESTIMONY BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

THE HONORABLE DALE BUMPERS, CHAIRMAN

AUGUST 2, 1988

9:00 A.M.

Mr. Chairman, members of the Subcommittee, I am grateful for this opportunity to present testimony to you today in support of my bill, S. 2586, to clear title to a private land claim in Sumter County, Alabama.

This bill pertains to land that has been in the possession of the family of the current owners since 1901 when the family's grandfather purchased the land. This 263 acre parcel is part of a 1245 acre farm. The family has continuously possessed, occupied and used the area in question for farming purposes since 1901. The land has been used for row-crop farming of cotton and corn, and since 1930 the land has been under fence with other lands. The area is currently being used for the pasturage of cattle.

In 1986, Lewis A. McLean Jr., one of the landowners, and the other landowners applied for certified copies of land patents to their farm land. They received certified copies of land patents to all of the land except the land in Section 33, Township 20 North, Range 1 West. They were advised by the Bureau of Land Management that it appeared that an irregular patent had been issued and that it would be necessary to have the archives searched to get the matter in order.

In July of 1987, the landowners were advised that the archives could not find the paper which was needed and that a certified copy of the patent could not be issued.

The landowners employed an attorney to search the records and made application to purchase the land under the provisions of the Color-of-Title-Act 43 CFR 2540. However, under this Act only 160 acres of land can be sold, and the legislation I have introduced is necessary to allow the Bureau of Land Management to issue a patent to the owners.

In searching the records, the landowners' attorney found a conveyance from Jacob Daniels, the Indian for whom the land was reserved; a contract authorizing his attorney-in-fact to sell said land; and a conveyance signed by the attorney-in-fact and Jacob Daniel's wife.

There is of record an unbroken chain of title conveying 263 acres of land from 1834 through 1988, but due to an error of the United States Government, the owners cannot get a certified copy of patents. I believe it only equitable and just that the Bureau of Land Management now be authorized to issue a patent to the current landowners.

I thank you Mr. Chairman for your consideration.